A C T S

OF

ASSEMBLY,

PASSED IN THE

ISLAND OF JAMAICA,

From the Year 1784 to the Year 1788 inclusive.



KINGSTON, JAMAICA,

PRINTED BY ALEXANDER AIKMAN, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

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ACTS of Assembly of JAMAICA,

In the Annual Order they have been passed.

NOTE, Those only in a large Character are the Titles of the Acts which are now in Force, and have accordingly Figures of Reference to the Pages where they are to be found; the others, in fmaller Character, being either repealed, expired, or private.

Public Acts in Force. Paffed Anno 1784.

Page. N Act for explaining and amending the feveral Highway-Laws now in Force, and rendering the faid Laws more effectual, An Act to authorise and empower the Justices and Vestry of the several Parishes of this Island to make and erect Pounds, for the better securing of all Strays of Horses, Mares, Mules, Asses, and horned Cattle, belonging to the Inhabitants of this Island, An Act to explain and regulate Proceedings by Foreign Attachment, 17 An Act for the Ascertainment and Regulation of Emblements, 21 An Act to regulate Wharfage and Storeage, An Act to empower the Justices and Vestry of the several Parishes of this Island to settle and regulate the Price and Assize of Bread, An Act for the better securing the Payment of Rents, and preventing Frauds by Tenants, An Act to prevent Slaves flanding charged with any Crime or Offence from availing themselves, on their Trials, of Manumissions granted them iv

An Act to explain and render more effectual " An Act to augment the Salary of his Excellency George Haldane, Esq. and for providing certain Lands and Premises to be annexed to the Government, for the Use of the Governor for the

An Act to repeal two feveral Acts of this Island, one entitled, " An Act appointing Commissioners for ordering and inspecting the Works in and about the Forts, Fortifications, and Barracks in and about this Island;" the other entitled, " An Act to add Commissioners to those already appointed for carrying on the Works in and about the Forts, Fortifications, and Barracks of this Island; and to those already appointed for building, finishing, and repairing the Public Edifice Edifice in St. Jago de la Vega;" and for appointing Commissioners for

Forts, Fortifications, and Public Buildings.

An Act for adding Commissioners to those already made a Body-Corporate, for building a Bridge over the Rio-Cobre, in and by two Acts, one passed in the Year 1775, and the other in the Year 1776.

Public Acts repealed or expired-1784.

An Act to prevent Horfe-stealing, and for preventing the stealing and destroying of Sheep, Goats, and other Cattle.

An Act for raising and fitting out Parties for suppressing any Rebellion in this Island,

during the Continuance of this Act.

An Act for applying the Surplusage of the Monies that have arisen, or shall arise, by Virtue of "An Act for granting a Revenue to his Mojesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts

and Laws thereof," to certain Uses.

An Act to oblige the feveral Inhabitants of this Island to provide themselves with a sufficient Number of white Men, white Women, or white Children, or pay certain Sums of Money in case they shall be deficient, and applying the same to several Uses; to protect Freeholders on the Days of choosing Churchwardens and Vestrymen; and to ascertain who shall be deemed duly qualified to vote at such Elections.

An Act for laying a Duty on all Wines, Arrack, Brandy, and Gin, retailed within this Island; and for laying a further Tax on Licenses to be granted for the retailing of Wines, Arrack, Brandy, and Gin; and on the Public Offices; and on Rum fold for Consumption in this Island; and applying the same to several Uses; and for prolonging the Time allowed by the late Quit-Rent Law, for giving in Accounts of Lands.

An Act for raising a Tax by the Poll, and on Trade, Supercargoes, and Masters of Vessels in the Out-ports, and on Offices and Houses, and for laying a Tax on certain Wheel-carriages, and applying the same to several Uses.

An Act for raising several Sums of Money, and applying the same to several Uses.

An Act for laying a Duty on Tonnage, and applying the same to the Use of the Forts and Fortifications; and for regulating the Duty of Gunpowder payable on Tonnage, by Virtue of an Act, entitled, "An Act for granting a Revenue to his Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof; and to enable the Receiver-General to import and purchase Gunpowder, under certain Regulations."

An Act for establishing and declaring Rules and Articles of War.

Private Acts-1784.

An Act to make free two negro Men, named Grog and Isaac, the Property of the Honourable Simon Taylor, of the Parish of Saint Mary, Esquire, for their faithful Services to the Public.

An Act for the Exchange of certain Lands and Slaves in the Parish of Hanover, in the County of Cornwall, in this Island, between Sir John Taylor, of the Kingdom of Great-Britain, Baronet, and Dame Elizabeth Goodin, his Wife, and Samuel Williams Haughton, of Orange-Cove, in the County of Cornwall, in the Island of Jamaica, Esquire, and Elizabeth Helen Haughton, of the same Place, an Infant.

An Act for vefting an undivided Moiety of a Plantation called Swanfey, in the Parish of St. John, late the Estate of Matthew Gregory, Esquire, deceased, and the Slaves and Stock thereon, or thereto belonging, in Trustees, and their Heirs, in Trust, to fell the same, pursuant to an Agreement for that Purpose; and to lay out the Money arising by such Sale, in such manner as therein is mentioned.

An Act to enable William Harry, of the Parith of Saint Catherine, in the County of Middlesex, Gentleman, to practise as an Attorney, Solicitor, and Proctor of the several

Courts

Courts in this Island; and to authorife and enable the Judges of the Supreme Court of Judicature to permit the faid William Harry to take the usual Oaths for that Purpose, notwithstanding an Act of this Island, entitled, "An Act for the further Regulation of Solicitors and Attornies practifing in the several Courts in this Island."

An Act to entitle Elizabeth Bowen, of the Parish of Westmoreland, a free mulatto Woman, and her Son Patrick Bowen Murray, a free Quadroon, to the same Rights and

Privileges with English Subjects, under certain Restrictions.

An Act to authorife and enable Sarah Morris, of the Parish of Kingston, a free quadroon Woman, to settle and dispose of her Estate, both real and personal, in this Island, by Deed or Will, in such manner as she shall think proper, in favour of her natural Daughter Charlotte Stirling, and her Issue, notwithstanding an Act of the Governor, Council, and Assembly of this Island, entitled, "An Act to prevent the Inconveniences arising from exorbitant Grants and Devises made by white Persons to Negrees, and the Issue of Negrees, and to restrain and limit such Grants and Devises;" and to entitle the said Charlotte Stirling to the same Rights and Privileges with English Subjects, under certain Restrictions.

An Act to entitle Patty Penford, of the Parish of Saint Elizabeth, a free mulatto Woman, and Rebecca Wright and Margaret Forbes, her Daughters, and Francis Maitland, the Son of the said Rebecca Wright, and Elizabeth Littlehales, the Daughter of the said Margaret Forbes, to the same Rights and Privileges with English Subjects,

under certain Restrictions.

An Act to authorife and enable Patrick Duncan, of the Parish of Saint Ann, Planter, to settle and dispose of his Estate, both real and personal, in this Island, by Deed or Will, in such manner as he shall think proper, notwithstanding an Act of the Governor, Council, and Assembly of this Island, entitled, "An Act to prevent the Inconveniences arising from exorbitant Grants and Devises made by white Persons to Negroes, and the Issue of Negroes, and to restrain and limit such Grants and Devises."

An Act to entitle Thomas Roper the younger, and Joshua Roper, free Mulattoes, the reputed Sons of Thomas Roper, of the Parish of Portland, Esquire, to the same

Rights and Privileges with English Subjects, under certain Restrictions.

An Act to authorife and enable Thomas Roper, of the Parish of Portland, Esquire, to settle and dispose of his Estate, both real and personal, in this Island, by Deed or Will, in such manner as he shall think proper, notwithstanding an Act of the Governor, Council, and Assembly of this Island, entitled, "An Act to prevent the Inconveniences arising from exorbitant Grants and Devises made by white Persons to Negroes, and the Island, entitled Grants and Devises."

An Act to entitle Jane Charlotte Beckford, of the Parish of Saint Catherine, a free mulatto Woman, and George French and Edward French, free Quadroons, the Children of the said Jane Charlotte Beckford, to the same Rights and Privileges with English

Subjects, under certain Restrictions.

Public Acts in Force. Passed Anno 1785. Page,

An Act for regulating the Proceedings of Surveyors of Land, and for the better regulating and establishing their Fees, - 63

An Act for the Prevention of Indebted Persons from departing this Island in time of Martial Law, and to empower the Judges and Justices to exercise their several Ossices in certain cases; and to empower the Justices and Vestry, and Churchwardens, and Surveyors of Highways, to discharge their several Duties; and to enable Landlords to distrain for Rent, notwithstanding Martial Law,

An Act for veiling the Common Lands of the Town of Titchfield, in the Parish of Portland, in Trustees, for the Purpose of raising a Fund for erecting and maintaining a Free-School in the said Town, and for other Purposes therein mentioned,

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An Act for the more effectually ascertaining and collecting the Transient Tax, payable for the Support of the Nightly Watch of the Town of Kingston; and for other Purposes in the said Act,

Public Acts repealed or expired-1785.

An Act for appointing Stephen Fuller, Esquire, an Agent in Great-Britain, to solicit the passing of Laws, and for transacting in Great-Britain other public Affairs of this Island; and for empowering certain Members of the Council and Assembly, from time to time, as occasion shall require, to give Instructions for such his Management.

An Act for adding Commissioners to those already appointed in and by an Act, entitled, "An Act for explaining, amending, and rendering more effectual, an Act for amending and keeping in Repair the Road leading from Saint Jago de la Vega, in the Parish of Saint Catherine, to Saint Jago Plantation, in the Parish of Clarendon; and for vesting in Trustees

the Toll to be raised by a Turnpike on the said Road, for the Purposes aforesaid."

An Act for altering and amending an Act, entitled, "An Act for altering, amending, and keeping in Repair the Road leading from the Town of Kingston, through the Parishes of Port-Reyal and Saint David, through Four-mile-wood, to Yallah's Bay and Port-Morant, to the Harbour of Manchioneal; and for vesting in Trustees the Toll or Tolls to be raised by a Turnpike or Turnpikes on the said Road, for the Purposes aforesaid."

An Act to regulate the Fees of the Governor's Secretary.

An Act for laying a Duty on all Wines, Arrack, Brandy, and Gin, retailed within this Island; and for laying a further Tax on Licenses to be granted for the retailing of Wines, Arrack, Brandy, and Gin; and on the Public Offices; and on Rum sold for

Confumption in this Island; and applying the same to several Uses.

An Act to oblige the feveral Inhabitants of this Island to provide themselves with a sufficient Number of white Men, white Women, or white Children, or pay certain Sums of Money in case they shall be deficient, and applying the same to several Uses; to protect Freeholders on the Days of choosing Churchwardens and Vestrymen; and to ascertain who shall be deemed duly qualified to vote at such Elections.

An Act for raising a Tax by the Poll, and on Trade, Supercargoes, and Masters of Vessels in the Out-Ports, and on Offices and Houses; and for laying a Tax on certain

Wheel-carriages, and applying the same to several Uses.

An Act for raising several Sums of Money, and applying the same to several Uses.

An Act for establishing and declaring Rules and Articles of War.

An Act for laying a Duty on Tonnage, and applying the same to the Use of the Forts and Fortifications; and for regulating the Duty of Gunpowder payable on Tonnage, by Virtue of an Act, entitled, "An Act for granting a Revenue to his Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof; and to enable the Receiver-General to import and purchase Gunpowder, under certain Regulations."

An Act for extending the Time for giving in an Account of Lands, agreeably to an

Act for the better Discovery and recovering of the Quit-Rents.

An Act for giving an additional Allowance to Negroes confined in Gaol, for a certain Time.

Private Acts-1785.

An Act for enabling Robert William Bouffie to carry into Execution his new-invented

Mode of making Muscovado Sugar from the Cane-juice.

An Act to entitle Jonathan James, of the Parish of Saint Elizabeth, a free quadroon Man, and John James and Montague James, the Sons of the said Jonathan James, and Jonathan James junior, and John James junior, and Ann James, the Sons and Daughter of the said John James senior, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Sarah Reid and Ann Reid, free Quadroons, the reputed Daughters of Lawrence Reid, late of the Parish of Kingston, Merchant, deceased, by Mary Barrow,

a free mulatto Woman, also deceased, to the same Rights and Privileges with English

Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Susanna White, Charles White, and Jane White, of the Parish of Saint George, free Mulattoes, and John Crawley White, Richard Crawley White, and Catherine Gowie, free Quadroons, the Sons and Daughter of the said Susanna White, and Alexander Gowie and Jane Gowie, free Quadroons, the Son and Daughter of the said Catherine Gowie, and Mary Ann White, the lawful Wife of the said John Crawley White, and Nancy White, the Daughter of the said John Crawley White, by his said Wife, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle James Allen Gorsse and Jane Gorsse, of the Parish of Westmoreland, free Quadroons, the reputed Children of John James Gorsse, late of the said Parish of Westmoreland, Practitioner in Physic and Surgery, to the same Rights and Privileges

with English Subjects, born of white Parents, under certain Restrictions.

Public Acts in Force. Passed Anno 1786. Page

An Act for establishing, disciplining, and regulating the Militia; for ascertaining who shall compose future Councils of War; and for other Purposes respecting the said Militia,

An Act to regulate the Trials of controverted Elections, or Returns of

Members to ferve in Assembly,

An Act for repealing so much of an Act of this Island, passed in the Year of Our Lord one thousand seven hundred and eleven, entitled, "An Act for regulating Fees," as establishes the Fees of the Collector, Naval Officer, Secretary, and Receiver-General, for entering and clearing

all Vessels trading to and from this Island, and for regulating the Fees of the several Officers concerned in entering and clearing all such Vessels, and for making certain Provisions for the better Management of the Offices therein mentioned,

An Act to explain and amend an Act, entitled, " An Act to regulate Wharfage and Storeage," so far as the said Act relates to the Towns of Kingston and Morant-Bay,

An Act for repealing Part of an Act, entitled, "An Act to oblige the Justices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arsenals, in their respective Parishes;" and also to repeal Part of one other Act, entitled, "An Act to explain and amend an Act to oblige the Justices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arsenals, in their respective Parishes;" and to put the Barracks and Fort at Lucea, in the Parish of Hanover, upon the public Establishment of the Island,

An Act to vest certain Lands and Tenements, situate, lying, and being in the Town and Parish of Kingston, in the Justices and Vestrymen of the said Parish, and the Justices and Vestrymen of the said Parish for the time being, for the Use of the Poor of the said Parish; and to enable the Justices and Vestrymen of the said Parish, for the time being, to maintain or defend any Suit or Suits at Law or in Equity, for Recovery of the same or any Part thereof; and to make Leases of the said Lands and Tenements, or any Part thereof, for the Use of the Poor of the said Parish.

Public

Public Acts repealed or expired-1786.

An Act for raising a Tax by the Poll, and on Trade Supercargoes, and Masters of Vessels in the Out-ports, and on Oslices and Houses, and for taying a Tax on certain Wheel carriages, and applying the same to several lifes.

Wheel-carriages, and applying the fame to feveral Uses.

An Act for laying a Duty on all Wines, Arrack, Brandy, and Gin, retailed within this Island; and for laying a further Tax on Licenses to be granted for the retailing of Wines, Arrack, Brandy, and Gin; and on the Public Offices; and on Rum fold

for Confumption in this Island; and applying the same to several Uses. An Act to oblige the several Inhabitants of this Island to provide themselves with a sufficient Number of white Men, white Women, or white Children, or pay certain Sums of Money in case they shall be descient, and applying the same to several Uses; to protect Freeholders on the Days of choosing Churchwardens and Vestrymen; and to ascertain who shall be deemed duly qualified to vote at such Elections.

An Act for raising several Sums of Money, and applying the same to several Uses. An Act for laying a Duty on Tonnage, and applying the same to the Use of the Forts and Fortifications; and for regulating the Duty of Gunpowder payable on Tonnage, by Virtue of an Act, entitled, "An Ast for granting a Revenue to his Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof; and to enable the Receiver-General to import and purchase Gunpowder, under certain Regulations."

An Act for establishing and declaring Rules and Articles of War.

An Act to enable his Honour Alured Clarke, Esquire, Lieutenant-Governor and Commander in Chief of this Island, or the Governor or Commander in Chief for the time being, to issue his Majesty's royal Proclamation, during the Recess of the present Assembly, prohibiting the Exportation of Flour and other Provisions from this Island, for a limited Time.

An Act for giving an additional Allowance to Negroes confined in Gaol, for a certain Time.

Private Acts-1786.

An Act to explain and amend an Act, passed the 23d Day of December, 1784, entitled, "An Act for vessing an undivided Moiety of a Plantation called Swansey, in the Parish of Saint John, late the Estate of Matthew Gregory, Esquire, deceased, and the Slaves and Stock thereon and thereto belonging, in Trustees, and their Heirs, in Trust, to sell the same, pursuant to an Agreement for that Purpose; and to lay out the Monies arising by such Sale, in such manner as is therein mentioned;" and for vesting the divided Moiety of the said Plantation called Swansey, and the Slaves and Stock thereon, by a Writ of Partition divided and allotted to Thomas Gregory Johnstone and Andrew Johnstone, Esquires, in Trustees, and their Heirs, in Trust, to sell the same, pursuant to an Agreement for that Purpose, and to lay out the Money arising by such Sale, in a Purchase or Purchases, or on good real Security or Securities, for the Benesit of the Remainder-men under the Will of the said Matthew Gregory.

An Act to entitle Sarah Fisher, of the Parish of Saint Ann, a free mulatto Woman, and Benjamin Hull, William Hull, James Hull, John Fisher Hull, Henry Thomas Hull, and Ann Sarah Hull, the reputed Sons and Daughter of William Hull, of the Parish of Saint Ann aforesaid, Planter, by the said Sarah Fisher; and also Elizabeth Margaret Craig and Charles Robert Craig, the reputed Son and Daughter of Robert Craig, of the same Place, Planter, by the said Sarah Fisher, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to amend an Act, entitled, "An Act for enabling Robert William Boussie to carry into Execution his new-invented Mode of making Muscovado Sugar from the Cane-juice;" and for the more effectually enabling the said Robert William Boussie to carry into Execution his said Invention.

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An Act to prohibit the holding of Elections of Members to ferve	e in the
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Forts, Fortifications, and Barracks in and about this Island;" th	
titled, " An Act to add Commissioners to those already appointed	
on the Works in and about the Forts, Fortifications, and Barracks of	
and to those already appointed for building, finishing, and repairing	ig the Public
Edifice in St. Jago de la Vega;" and for appointing Commi	illioners for
Forts, Fortifications, and Public Buildings.	

Public Acts repealed or expired-1787.

An Act to appoint Commissioners to inspect the Books of the Receiver-General, and to fettle and adjust the public Accounts.

An Act for raifing several Sums of Money, and applying the same to several Uses.

An Act for establishing and declaring Rules and Articles of War.

An Act for repealing several Acts and Clauses of Acts, respecting Slaves, and for the better Order and Government of Slaves.

Private Acts-1787.

An Act to repeal an Act passed the 23d Day of December, 1784, entitled, "An Act for vesting an undivided Moiety of a Plantation, called Swansey, in the Parist of Saint John, late the Estate of Matthew Gregory, Esquire, deceased, and the Slaves and Stock thereon and thereto belonging, in Trustees, and their Heirs, in Trust, to sell the same, pursuant to an Agreement for that Purpose, and to lay out the Money arising by such Sale, in such manner as is therein mentioned;" and also to repeal a certain other Act, passed the 23d Day of December, 1786, for the Purpose of repealing the said former Act, passed the said 23d Day of December, 1784, and of "vesting the divided Moiety of the said Plantation called Swansey, and the Slaves and Stock thereon, by a Writ of Partition divided and allotted to Mary Dehany, who was Trustee for Thomas Gregory Johnstone and Andrew Johnstone, Esquires, in Trustees, and their Heirs, in Trust, to sell the same, pursuant to an Agreement for that Purpose, and to lay out the Money arising by such Sale, in a Purchase or Purchases, or in good real Security or Securities, for the Benesit of the Remainder-

mainder-men under the Will of the said Matthew Gregory;" and for vesting the same divided Moiety of and in the same Plantation, called Swansey, and the Slaves and Stock thereon, by the said Writ of Partition allotted to the said Mary Dehany, as Trustee for the said Thomas Gregory Johnstone and Andrew Johnstone, in a Trustee, and his Heirs, in Trust, to sell the same, pursuant to an Agreement for that Purpose, and to lay out the Money arising by such Sale, in a Purchase or Purchases, or on good real Security or Securities, for the Benefit of the Remainder-men under the Will of the said Matthew Gregory.

An Act to entitle John Lynch, of the Parish of Saint Elizabeth, a free mulatto Man, and Elizabeth his Wife, a free quadroon Woman, and Grace Ann Lynch, Elizabeth Banton Lynch, Mark Lynch, Eleanor Banton Lynch, Margaret Banton Lynch, Frances Jane Lynch, John Saunders Lynch, Benjamin Banton Lynch, Pritcilla Lynch, and William Lynch, all free Persons, begotten and born in lawful Wedlock, of the Body of the said Elizabeth, to the same Rights and Privileges with English Subjects, under certain Restrictions.

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An Act to entitle Penelope Brewer, of the Parish of Saint George, a free mulatto Woman, and John Ashton, a free Man of Colour, and Helen Ashton his Wife, the Daughter of the said Penelope Brewer, and Robert Cairns, a free Quadroon, the Son of the said Penelope Brewer, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Thomas M'Ghie and Mary M'Ghie, free Mulattoes, the reputed Children of Robert M'Ghie, of the Parish of Trelawny, Esquire, by Sarah M'Ghie, a free negro Woman, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Robert Hilton Angwin, Sarah Hilton Angwin, John Angwin, and Francis Angwin, free Quadroons, the reputed Children of John Angwin, of the Parish of Saint Ann, Esquire, by Frances Jones, a free mulatto Woman, lately deceased, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to authorife and enable John Angwin, of the Parish of Saint Ann, Esquire, to settle and dispose of his Estate, both real and personal, in this Island, by Deed or Will, in such manner as he shall think proper, notwithstanding an Act of the Governor, Council, and Assembly of this Island, entitled, "An Act to prevent the Inconveniences arising from exerbitant Grants and Devises made by white Persons to Negroes, and the Island of Negroes, and to restrain and limit such Grants and Devises."

Public Acts in Force. Passed Anno 1787-8. Page,

An Act for the better Order and Government of the Negroes belonging to the feveral Negro-Towns, and for preventing them from purchasing of Slaves; and for encouraging the said Negroes to go in Pursuit of Runaway Slaves; and for other Purposes therein mentioned,

An Act for the more effectual Prevention of Smuggling, and for the better collecting certain Duties and Imposts granted by the Laws of this Island, towards the Support of the Government thereof, - 157

An Act for amending and keeping in Repair the Road leading from St. Jago de la Vega, in the Parish of St. Catherine, to the Junction of the Mayday-Hill Road, at the Fig-Tree in Olyphant's Lane, in the Parish of Clarendon; and for vesting in Trustees the Toll to be raised by a Turnpike on the said Road, for the Purposes aforesaid, 162

Public Acts repealed or expired-1787-8.

An Act for laying a Duty on all Wines, Arrack, Brandy, and Gin, retailed within this Island; and for laying a further Tax on Licenses to be granted for the retailing of b2

Wines, Arrack, Brandy, and Gin; and on the Public Offices; and on Rum fold for Consumption in this Island; and applying the same to several Uses.

An Act for raising a Tax by the Poll, and on Trade, Supercargoes, and Masters of Vessels in the Out-Ports, and on Offices and Houses; and for laying a Tax on certain

Wheel-carriages, and applying the fame to feveral Uses.

An Act to oblige the feveral Inhabitants of this Island to provide themselves with a sufficient Number of white Men, white Women, or white Children, or pay certain Sums of Money in case they shall be deficient, and applying the same to several Uses; to protect Freeholders on the Days of choosing Churchwardens and Vestrymen; and to as-

certain who shall be deemed duly qualified to vote at such Elections.

An Act for laying a Duty on Tonnage, and applying the same to the Use of the Forts and Fortifications; and for regulating the Duty of Gunpowder payable on Tonnage, by Virtue of an Act, entitled, "An Act for granting a Revenue to his Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof; and to enable the Receiver-General to import and purchase Gunpowder, under certain Regulations."

An Act for borrowing a Sum of Money by way of Lottery, for the Payment and Difcharge of certain Certificates, bearing an Interest of ten per Cent. which were granted

for the Subfistence of his Majesty's Troops.

An Act for laying an additional Duty on all Wines, Brandy, Gin, and other Spirits or spirituous Liquors, and on all Beer, Ale, Porter, Cyder, and Perry; and also a

Duty on Flour and Biscuits, imported into this Island.

An Act to enable his Honour Alured Clarke, Esquire, Lieutenant-Governor and Commander in Chief of this Island, or the Governor or Commander in Chief for the time being, to issue his Majesty's royal Proclamation, during the Recess of the present Assembly, prohibiting the Exportation of Flour and other Provisions from this Island, for

a limited Time.

An Act to repeal an Act, entitled, " An Act to prevent the enticing or inveigling of Slaves from the Possessions, and for the preventing the Transportation of Slaves by Mortgagers and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also one other Act, entitled, " An Act to inflist further and other Punishments on the Transgreffors of two feweral AEts, the one entitled, An AET for the better Order and Government of Slaves, and the other entitled, An Ast to prevent the enticing or inveigling of Slaves from the Poffeffors, and for the preventing the Transportation of Slaves by Mortgagers and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also one other Act, entitled, " An Act to repeal Part of an Act, entitled, An Act for the better Order and Government of Slaves,' and also of one other Act, entitled, An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;' and also Part of one other Act, entitled, " An Act to inflie further and other Punishments on the Transgressors of two several Asts, the one entitled, An AR for the better Order and Government of Slaves,' and the other entitled, . An Act to prevent the enticing and inveigling of Slaves from the Poffeffors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also Part of an Act, entitled, " An Act for the better Order and Government of Slaves, and to prevent the hiding, concealing, inveigling, detaining, knowingly harbouring or employing the Slaves of others, and for preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves." An Act for the more speedy collecting the public Taxes, and the Arrears thereof, now due.

Public Acts in Force. Paffed Anno 1788.

An Act to repeal an Act, entitled, "An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for re-

gulating

Page. gulating Abuses committed by Slaves;" and also one other Act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, ' An Act for the better Order and Government of Shaves,' and the other entitled, ' An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life or Years, and for regulating Abuses committed by Slaves;" and also one other Act, entitled, " An Act to repeal Part of an Act, entitled, 'An Act for the better Order and Government of Slaves,' and also of one other Act, entitled, ' An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Tears, and for regulating Abuses committed by Slaves;" and also Part of one other Act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, ' An Act for the better Order and Government of Slaves,' and the other entitled, ' An Act to prevent the enticing and inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also Part

and for regulating Abuses committed by Slaves,

An Act to repeal an Act, entitled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for the better Order and Government of Slaves, and for other Purposes;" and also to repeal the several Acts, and Clauses of Acts, which were repealed by the Act entitled as aforesaid; and for consolidating, and bringing into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security; for altering the Mode of Trial of Slaves charged with capital Offences; and for other Purposes,

of an Act, entitled, "An Act for the better Order and Government of Slaves, and to prevent the hiding, concealing, inveigling, detaining, knowingly harbouring or employing the Slaves of others; and for preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years;

An Act for vesting Six Hundred Acres of Land, in the Parish of Saint George, patented for a Glebe for the use of the Rector of the said Parish for the time being, in Trustees, in Trust as to Three Hundred Acres, Part thereof, to sell and dispose thereof, and to lay out the Money arising from such Sale in manner herein-mentioned; and as to the Remainder thereof, in Trust for the use of the Rector of the said Parish for the time being, and his Successors, Rectors of the said Parish, 212

An Act to repeal an Act, entitled, "An Act for the Ease of the Inhabitants of the Parish and Precinct of St. Elizabeth," passed in the Year of Our Lord one thousand seven hundred and twenty-three; and to authorise and empower a Majority of the Justices and Vestrymen of the said Parish to appoint the Place where the said Courts and Vestries shall be held in future,

An Act to regulate the Fees of the Governor's Secretary, 218
An Act for repealing certain Clauses of an Act for repealing an Act,
entitled, "An Act for the better discovering and collecting the Arrears of
his Majesty's Quit-Rents, for the more effectual collecting the Quit-Rents
hereafter

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hereafter to become due, and for the better discovering, ascertaining, and
collecting fuch Arrears, and for the more effectual collecting the Quit-Rents
bereafter to become due;" and for the more easy and effectual collecting,
as well the Arrears of his Majesty's Quit-Rents, as the Quit-Rents
hereafter to become due to his Majesty, 221
An Act for the further raising and establishing the Credit of this Island;
and for preventing vexatious Suits at Law, in consequence of the
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An Act to explain and amend an Act, entitled, "An Act for the more ef-
feetual Prevention of Smuggling, and for the better collecting certain Duties
and Imposts, granted by the Laws of this Island towards the Support of the
Government thereof,
An Act for the more effectually preventing Nuisances on the Highways, 234
An Act to repeal an Act, entitled, " An Act to restrain the Inhabitants of
the Parish of Westmoreland, in the County of Cornwall, in this Island, from
sworking any Carriages of Burthen, but with broad Wheels, on the Roads
in the faid Parish," and to restrain the Inhabitants of the said Parish
from working any Carriages of Burthen on the Roads in the faid
Parish, with Wheels of any other Dimensions than those herein pre-
fcribed, 235
An Act for the more effectually ascertaining and collecting the Transient
Tax of the Town of Montego-Bay, in the Parish of St. James, 237
An Act for vefting in Trustees the Toll or Tolls to be raised by a Turn-
pike or Turnpikes on the Bridge over the Rio-Bueno River, and for
mending and keeping in Repair the Road leading from the Town of
Rio-Bueno, in the Parish of Trelawny, to Dry-Harbour, in the Parish
of St. Ann, and for other Purposes, 239
An Act to repeal Part of an Act, passed in the Year of Our Lord one
thousand seven hundred and twenty-three, entitled, " An Act for
dividing the Parish of Westmoreland into two distinct Parishes, for the Ease
of the Inhabitants," and also the first Clause of one other Act, passed
in the Year of Our Lord one thousand seven hundred and thirty-three,
entitled, " An Act for running, cutting, and clearing the Dividing-Lines,
and cutting of Roads, in and between the Parishes of Westmoreland and
Hanover, and for repairing a Bridge over Cabaritta-River, in the faid
Parish of Westmoreland;" and for ascertaining and fixing the proper
Dividing-Line between the Parishes of Westmoreland and Hanover, 242
An AA to explain and amend an AA entitled " An AB
An Act to explain and amend an Act, entitled, " An Act to regulate
Wharfage and Storeage," fo far as the faid Act relates to the Parishes of
Trelawny and Saint James, 245
An Act to restrain the Inhabitants of the Parish of Saint James, in the
County of Cornwall, in this Island, from working any Carriages of
Burthen, but with broad Wheels, on the Roads in the faid Parish, 247
An Act for appointing Stephen Fuller, Esquire, an Agent in Great-Britain,
to folicit the passing of Laws, and for transacting in Great-Britain other
public Affairs of this Island; and for empowering certain Members of
the Council and Assembly, from time to time, as occasion shall require,
to give Instructions for such his Management,

AB:

An Act for applying the Surplusage of the Monies that have arisen, or shall arise, by Virtue of an Act for granting a Revenue to his Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof, to certain Uses.

Public Acts repealed or expired-1788.

An Act for raising several Sums of Money, and applying the same to several Uses. An Act for laying a Duty on Tonnage, and applying the same to the Use of the Forts and Fortifications; and for regulating the Duty of Gunpowder payable on Tonnage, by Virtue of " An Act for granting a Revenue to bis Majesty, his Heirs and Successors, for the Support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof;" and to enable the Receiver-General to import and purchase Gunpowder, under certain Regulations.

An Act for establishing and declaring Rules and Articles of War.

An Act to enable his Honour Alured Clarke, Esquire, Lieutenant-Governor and Commander in Chief of this Island, or the Governor and Commander in Chief for the time being, to iffue his Majesty's royal Proclamation, during the Recess of the present Asfembly, prohibiting the Exportation of Flour, and other Provisions, from this Island, for a limited Time.

An Act for laying a Duty on all Wines, and upon Brandy, Gin, and other foreign Spirits, retailed within this Island, and for laying a further Tax on Licenses to be granted for the retailing of Brandy, Gin, and other foreign Spirits, and on the Publie Offices, and on Rum fold for Confumption in this Island, and for applying the same to feveral Uses.

An Act for raising a Tax by the Poll, and on Trade, Supercargoes, and Masters of Veffels in the Out-ports, and on Offices and Houses, and for laying a Tax on certain

Wheel-carriages, and applying the same to several Uses.

An Act to oblige the feveral Inhabitants of this Island to provide themselves with a sufficient Number of white Men, white Women, or white Children, or pay certain Sums of Money in case they shall be deficient, and applying the same to several Uses; to protect Freeholders on the Days of choosing Churchwardens and Vestrymen; and to afcertain who shall be deemed duly qualified to vote at such Elections

An Act for the more speedy collecting the public Taxes, and the Arrears thereof, now

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An Act to appoint Commissioners to inspect the Books of the Receiver-General, and to fettle and adjust the public Accounts.

Private Acts-1788.

An Act to enable John Stone, of the Parish of Saint Catherine, Gentleman, to practife as an Attorney, Solicitor, and Proctor in the feveral Courts of Law and Equity in this Island; and to authorife and enable the Judges of the Supreme Court of Judicature to permit and fuffer the faid John Stone to take the usual Caths for that Purpose, notwithstanding an Act of this Island, entitled, " An Act for the further Regulation of Solicitors and Attornies practifing in the Several Courts in this Island."

An Act for enabling Isaac Lascelles Winn, of the Parish of Saint James, Esquire, to carry into Execution his new-invented Principle of manufacturing Sugar, and diffil-

ling Rum, with a much smaller Quantity of Fuel, and for supplying Water.

An Act to entitle George Cunningham, Samuel Laing, and Margaret Bright Sadler, of the Parish of Kingston, free Mustees, to the same Rights and Privileges with English

Subjects, born of white Parents, under certain Restrictions:

An act to entitle Alexander Ruffell, a free Mulatto, and Isabel Ruffell, Elisabeth Ruffell, and Janet Ruffell, free Quadroons, the reputed Children of John Ruffell, of the Parish of Clarendon, Esquire, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to enable John Russell, of the Parish of Clarendon, Esquire, to settle and dispose of his Estate, both real and personal, in this Island, by Deed or Will, in such manner as he shall think proper, in favour of his natural Children, Alexander Russell, a free Mulatto, and Isabel Russell, Elisabeth Russell, and Janet Russell, free Quadroons, and their Issue, notwithstanding an Act of the Governor, Council, and Assembly of this Island, entitled, "An Act to prevent the Inconveniences arising from exorbitant Grants and Devises made by white Persons to Negroes, and the Issue of Negroes, and to restrain and limit such Grants and Devises."

An Act to entitle Ann Fleming, of the Parish of Saint Andrew, a free mulatto Woman, to the same Rights and Privileges with English Subjects, born of white Pa-

rents, under certain Restrictions.

An Act to entitle Alice Giles, of the Parish of Kingston, a free quadroon Woman, to the same Rights and Privileges with English Subjects, born of white Parents, un-

der certain Restrictions.

An Act to entitle Theodore Lesslie, Alexander Lesslie, George Lesslie, James Lesslie, Ann Lesslie, and Jean Lesslie, free Mulattoes, the reputed Children of George Lesslie, of the Parish of Westmoreland, Esquire, by Jean Lesslie, a free negro Woman, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Richard Clarke, of the Parish of Saint Catherine, and Rose Clarke, of the Parish of Port-Royal, free Quadroons, to the same Rights and Privileges with

English Subjects, born of white Parents, under certain Restrictions.

An Act to entitle Samuel Smith Facey, and Lydia Facey, Elizabeth Dorothy Facey, Mary Facey, and Phillis Facey, of the Parish of St. Catherine, free Mulattoes, the reputed Son and Daughters of Sampson Facey, late of the same Parish, Esquire, deceased; and Elizabeth Bagnold, Mary Bagnold, Thomas Bagnold, Susanna Bagnold, Joseph Bagnold, and John Bagnold, the reputed Children of Thomas Bagnold, of the Parish of Kingston, Esquire, by the said Lydia Facey, to the same Rights and Privileges with English Subjects, born of white Parents, under certain Restrictions.

An Act to enable Ralph Walker, of the Parish of Saint Ann, Projector and Engineer, to carry into Execution his new-invented Method of working of Mills for grinding of

Sugar-canes.

An Act to enable Ralph Walker, of the Parish of Saint Ann, Projector and Engineer, to carry into Execution his new-invented Machine for pulping and cleansing of Cossee.

An Act to fecure to James Small, of the Parish of Clarendon, Carpenter, the exclusive Right of carrying into Execution his new-invented Machine for working Cotton-gins.

An Act to enable William Brailsford, of the Kingdom of Great-Britain, Esquire, to take up a certain Portion of the Water of Rio-Cobre, in the Parish of Saint Catherine, and to convey the same through a certain Tract of Land in the said Parish, for the Use and Preservation of certain Grass-Pieces, in the Possession of the said William Brailsford.

An Act to authorife and enable the Proprietor or Proprietors of Savoy Estate, in the Parish of Clarendon, to take up, and return to its usual Course, a Stream of Water from the River Mino, in the said Parish, for the Use of the said Estate, and for other

Purposes herein mentioned.

An Act to secure to William Roach, of the Parish of Kingston, Watchmaker, the exclusive Right of carrying into Execution his new-invented Machine for raising Water,

THE

LAWS

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An Act for explaining and amonding the several Highway- 1784.

Laws now in force, and rendering the Said Laws more December.

effectual.

HEREAS the several Highway-laws now in force are Act 1. found desective in several instances; Be it therefore enacted Preamble. by your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly, of this your Majesty's Island of Jamaica, and it is bereby enacted

and ordained by the authority of the same, That the dimensions of all Dimensions Highways hereafter to be made through open ground, shall be ways. twenty-four feet wide at the least.

II. And whereas it is found necessary that there should be roads of communication from one part of the island to another, as well as from the several settlements to church and market: And whereas disficulties have arisen by juries conceiving themselves restricted to the laying out of such roads only as lead from any certain part, towards church

Crofs roads of communicaone part of the illand to another.

church or market, or to the nearest shipping place; Be it therefore enacted by the authority aforefaid, That where it shall be thought necessary, cross roads of public communication shall be laid out by tion may be juries from any one part of the island to another, or from any one part of a parish to another part, in the same or any other parish, if fuch roads shall to them appear necessary for the benefit of the public, in the same manner as is directed by an act of this island, entitled, " An Ast for the Highways," passed in the year of Our Lord one thousand fix hundred and eighty-one; any thing in the faid act, or any other act, to the contrary in anywise notwithstanding.

Juftices, &c. empowered keeping the roads in repaying the hire of a white man.

III. And whereas great difficulties have arisen by the Justices and Vestries of the several parishes being restricted by law to lay the tax annually provided for mending the Highways, either in money altogether, or in labour; Be it therefore enacted by the authority aforefaid, That the faid Justices and Vestries are hereby impowered to lay such telavatax for tax as to them shall appear necessary, for making, mending, and keeping in repair the Highways, in money, labour, or other things, in pair, and for fuch proportions as they shall think convenient; and where it shall be found necessary to employ white men to attend as overfeers upon any of the roads, the Justices and Vestries are hereby authorised to lay a tax for defraying the expense thereof, on such of the properties as shall be allotted for keeping such road in repair; which tax shall be raised and levied in the same manner as the parish tax is, and be paid over by the Collecting Constable, after deducting his commisfions, at the rate of two pounds ten shillings per centum, to the Waywarden or Waywardens, within fixty days after the roll is iffued, under the penalty of Fifty Pounds: And in cases where it is necessary to make a new road, through lands under cultivation, it is bereby directed and enacted by the authority aforesaid, That on application In eases where made to the magistrate by the proprietor or proprietors, or persons to make aroad acting for him, her, or them, faid magistrate shall swear the jury afthrough lands sembled for laying out such road or roads, at the same time to value tion, the ma- the lands fo laid out, according to the best of their skill and judgment, taking into confideration the advantages and disadvantages that jury who are will arise thereby to the proprietor of said land; which valuation shall be figned by the magistrate and jury, and annexed to the return to be made of the faid road to the fessions, as before directed; and the same being confirmed, the Vestry that shall be elected in the subsequent year are hereby authorised and required to provide for paying the same in the parish tax of that year.

at is necessary under cultivagiftrates are to fwear the to value fuch lands.

> IV. And whereas many contentious persons have refused to comply with the laws, in fending the respective allotments of slaves to work on the Highways, and by the Waywardens being deterred from informing

of fuch delinquency, owing to the great trouble and expense attending the defence of replevins, islued by fuch delinquents, for levies made on negroes and flock, pursuant to the faid Highway-laws, to the great discouragement of such of your Majesty's good subjects who are willing to comply with the faid laws: And whereas, by the first and second clauses of an act, entitled, " An Act for the Highways," passed in one thousand fix hundred and eighty-one, Surveyors are directed to be chosen the third Monday in January yearly, and their duty is pointed out, which mode has been long discontinued: Be it therefore enacted and ordained, That the faid two leveral clauses, and Clauses in a former act reevery part of them, are hereby repealed and done away.

V. And be it enacted by the authority aforefaid, That the Justices Justices and and Vestry of each parish shall, at some convenient time, choose and point surveyappoint the feveral Surveyors for the Highways, and fuch Surveyor ors. or Waywarden fo chosen and appointed, shall, within thirty days Surveyors to after receiving notice of fuch their appointment, under the penalty be sworn. of Twenty Pounds, cause himself to be duly sworn before some Justice of the Peace of the faid parish, diligently and faithfully to execute the Perfors exfaid duty of a Surveyor or Waywarden: or, if they mean to avail them- empted from selves of any of the exemptions of clause the second of act No. 90, ferving as surentitled, " An act for explaining and amending the Highway-laws now in force," passed in one thousand seven hundred and thirty, that they do give notice to the Clerk of the Vestry within the same time, of their reason for declining to accept the said office, to the end that others may be appointed; who shall; under the like penalty, procure him or themselves to be duly tworn.

VI. And whereas it has been too often the practice for such chosen Surveyors or Waywardens to neglect their duty entirely, whereby the Highways have become bad in many places; Be it enacted by the authority aforejaid, That every surveyor or Waywarden so chosen, Surveyors, under penalty and who shall not be disquaished under any of the disabilities con- of 201. to detained in the last-recited act, do and shall, on or before the twenty- liver to the Clerk of the fifth day of March in each year after they are so appointed, under Veftry, every the penalty of I wenty Pounds, deliver to the Clerk of the Vestry, March, an acto be by him produced to the first Vestry held after that day, a just count, on and true account, on oath, of all their proceedings as surveyors or their proceed-Waywardens; or, if they have not been able to get negroes to hire ings as furveyat the usual rate, that they set it forth so; and if they have received over all moany money by virtue of their appointment as Surveyor or Waywar- nies received. den, that they do immediately pay over the same to the Churchwarden, who shall be answerable for the same, whenever negroes can be got to repair the faid road: And in case of neglect, by any such Sur- surveyors, veyor or Waywarden not delivering fuch an account as is herein di- fuch ac-

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pealed.

ACT I.

levied.

1784. counts, and paying over fuch monies, the penalty to be levied by diftrefs and fale, &c.

rected, and paying over the money they have received, the Justices that shall sit in the Vestry that shall meet next after the said twentyfifth day of March, are hereby enjoined and required, on the Clerk's making oath that fuch Surveyor has not lodged fuch account with him, immediately to iffue a warrant of diffreis for levying the penalty abovementioned.

hire negroes to lop and cut down bushes that proprietors thereof neglect it after notice given. cafe of refu-

Sale, &c.

VII. And whereas the logwoods, bushes, and other fences, adjoining to many Highways, are often allowed to grow to fuch a height, as to obstruct the sun and air from coming to the said road, and, by holding a quantity of water on their boughs, keep dropping on the road. to its great damage, or on the heads of travellers; Be it enacted by Surveyors to the authority aforesaid, That in any road where the fences, logwoods, or other buthes, are in that fituation, the Surveyor of fuch Highway shall give ten days notice to the owner or proprietor of the grow over the land where such sences, logwood, or other bushes are, or to his lawroads, if the ful attorney or representative, who is hereby required, within thirty days after such notice given, to cause them to be lopped or cut down, to the satisfaction of the Surveyor; and in case he does not, the Surand they are veyor or Waywarden is hereby empowered and required to hire nefame; but, in groes to cut down or lop the faid fences, logwood, or other bushes or trees to the height of four feet, and to throw the loppings or cutis to be levied tings on the land of the proprietor; and, when finished, to make up by diffressand an account, on oath, of the number of negroes and days employed in cutting or lopping the faid fences, logwoods, buthes, or trees. and to charge each negro at the rate of three shillings per day; which, if the proprietor of the land where such nuisance has been, or his representative, refuses to pay immediately, the Surveyor or Waywarden, immediately after such refusal, is to make application to a magistrate, who is hereby required and empowered to iffue his warrant to recover the same by diffress and sale of the offender's goods and chattels, together with the charges of fuch diffress and fale; and the difference between what may have been paid by the Surveyor or Waywarden for the hire of the negroes, and the sum recovered (valuing them at three shillings per day) shall be applied to the repair of fuch road, returning the overplus, if any, after deducting all charges of fale, to the proprietor.

> VIII. And whereas it often happens, that the Surveyor of the Road is the proprietor of the land where such fences, logwoods, or other bushes or trees are; Be it enacted by the authority aforesaid, That if the faid Surveyor does not, within one month after notice given him by any parishioner, or by any traveller, lop or cut down the said fences, logwoods, or other bushes or trees, as is before directed, and remove the nuisance, he shall forfeit the sum of Fifty Pounds, to be

Surveyor to sop and cut down bufhes that grow over the road, within one month after Botice given

ACT I.

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levied by diffress and sale of his goods and chattels, by warrant of 1784. any magistrate, who is hereby required and empowered to iffue the him, under same, upon the oath of any one person who shall swear that he gave penalty of the Surveyor such notice as aforesaid; and the said offender shall be £50. liable to the same penalty every fix months, in case he does not remove the nuisance.

IX. And whereas, by the faid laws, the Waywardens or Surveyors of the Highways are restricted from information against such delinquents, until the roads for which they are severally appointed shall be finished repairing, whereby, if no slaves shall be fent, such road could not be repaired, nor any complaint or information lodged: For remedy whereof, and for the better enforcing the repairs of the Highways, Be it enacted by the authority aforefaid, That the faid Surveyors surveyors to of the Highways respectively shall, and they are hereby obliged, un-complain to a der the penalty of Twenty Pounds, within thirty days after any per- such persons fon or persons refusal or neglect in sending his, her, or their respect as neglect or refuse to send tive allotments of flaves or tools on the Highways, as directed in and their allotby an act of this island, entitled, " An Act for the better amend- ments of flaves, tools, ing the Highways," passed in the year of Our Lord one thousand se- &c. under peven hundred and thirty, repair to some Justice of the Peace in the parish where such neglect shall happen; and upon oath, or affidavit in writing, made by the faid Surveyor, or any other white person, (which oath the faid Justice is hereby empowered and required to administer) give an account to the said Justice of the number of slaves and tools fo wanting, or not fent, and the person or persons, or owner or owners of fuch plantation or plantations fo neglecting or refusing to send them; and the said Justice is hereby required, within Magistrate ten days after such complaint being made unto him, under the pe- days after nalty of Fifty Pounds, to issue out his warrant to summon the party such com-or parties complained of to appear before him at a certain day, hour penalty of of the day, and place, to be mentioned in the faid warrant, to hear his warrant and determine the faid complaint; and if it shall appear to the faid to summon Justice, that the party or parties so complained of is or are guilty of the party befuch neglect or refusal, he shall adjudge and sentence the party or to hear and parties to pay ten shillings per head for each slave per diem, and no determine the more; any thing in this, or any other act, to the contrary in any-plaint. wise notwithstanding; and on refusal of the party or parties to pay the same immediately, he shall issue his warrant to levy the same, in manner and form in the faid laws prescribed.

X. And be it further enacted by the authority aforesaid, That the sentence or tence or judgment passed by the Justice in manner aforesaid, shall be judgment of the magistrate conclusive and without appeal, any thing in any law to the contrary conclusive. notwithstanding: But, in case it shall appear that the not sending such Exception.

allotments

1784.

allotments of negroes, cattle, and tools, upon fuch Highways, proceeded from the wilful refusal or neglect of the overseer of such plantation; then, and in that case, such overseer thall pay to his master or employer all fuch monies as he shall pay or expend, or be put to by means thereof, and fuch mafter or employer may deduct the fame out of the wages of such overseer.

Surveyors to be the fole ability of Daves; who are to return others are not fent in their room, they are to report the fame.

XI. And be it further enacted by the authority aforefaid. That in any be the lole judges of the dispute arising between the Surveyor or Surveyors of the Highways, and the party or parties allotted to fend flaves on the Highways, fuch-Surveyor or Surveyors shall be the sole judge or judges of the ability haves not fur of the flave or flaves to fent by the party or parties, and is and are and, in case hereby empowered to return such flave or flaves as he or they shall not think sufficiently able to work on the Highways; and, in case other flaves, fufficiently able, are not immediately fent to the Highways, instead of those returned, the said Surveyor or Surveyors shall report the same, in the complaint exhibited to the Justices, as so many flaves and number of tools deficient.

XII. And be it further enacted by the authority aforefaid, That in case

the default shall arise from the neglect of the overseer of the estate or plantation which shall be deficient in sending slaves and tools on the Highways, as directed by the faid Highway-laws, yet the levy shall be made by the Constable or Tithingman on the slaves and property of the levy to be the proprietor or proprietors of the estate or plantation to deficient. XIII. And be it further enacted by the authority aforefuld, hat it shall

and may be lawful for the Waywardens or Surveyors of the Highways; appointed by the faid Highway-laws, respectively to cause the slaves employed on the Highways to lop the boughs of any tree or trees, fo far as they hang over the Highways, and also to trim or cut any logwood, lime, or other live fence, growing next to the Highways four. feet from the ground, to that the fame may not impede the fun from drying the same, and to throw the cuttings into the lands of the pro-

prietor.

XIV. And whereas divers obstinate persons have withheld their negroes from working upon the roads when required so to do by the Waywardens, on pretence that no Vestry can be legally chosen unless the Constable or Constables do swear that every individual freeholder of the parish hath been warned, and on pretence that no Vestry can be legally held without the Constable or Constables do swear that every individual magistrate and vestryman was warned to attend on laying the taxes for the Highways: To remedy which, Be it further enacted No persons to by the authority aforesaid, I hat no person whatsoever shall refuse or Degroes, &c. neglect to fend his or her negroes with their drivers and tools to work upon the Highways, when and where directed, on any fuch pretences whatfoever.

Notwithflanding the default mayarife by the neglect of the overfeer in not fending Daves, &c. made on the property of the proprietor.

Surveyors to lop the boughs of trees, &cc.

refuse to fend

XV. And be it further enacted by the authority aforesaid, That, in case of the death or going off this island, or removal out of the parish, of any Waywarden or Waywardens during the year for which he or leath, &c. of they is or are chosen, the several Justices of every parish in this the Waywarisland, or any two of them, shall, within thirty days after the death is to be apor going off this island, or removal out of such parish, of such Way-pointed. warden or Waywardens, iffue his or their warrant or warrants directed to the Constable or Constables of such parish, to summon the vestrymen of the faid parithes wherein such death, going off, or removal, have happened, to meet; and when met, they are hereby authorised and empowered to appoint one or more Waywarden or Waywardens in the room, place, and stead of him or them so dead, gone off, or removed; and such Waywarden or Waywardens so to be appointed shall act for the remainder of that year in which he or they shall be so appointed.

XVI. And be it further enacted by the authority aforesaid, That the Forfeitures feveral forfeitures and penalties in this act mentioned, and also those how to be reimposed by the said herein before recited Highway-laws, either on per-covered and applied. fons neglecting to fend their negroes and tools on the Highways, or on Waywardens or Surveyors of the Highways for any neglect of his or their duty, shall be recovered in manner and form as directed by the faid Highway-laws, and shall be paid into the hands of the Waywarden or Waywardens appointed for that district or part of the parish where any such delinquency shall happen, to be by such Waywarden or Waywardens laid out and expended in repairing and amending the roads for which such allotments were originally intended; any thing in the faid recited act to the contrary in anywise notwithstanding.

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XVII. And be it further enacted by the authority aforesaid, That all Waywardens and every the Waywarden or Waywardens who shall have received any ceived forfeifuch fines or penalties, shall and are hereby obliged to keep an exact tures, &c. to account of the expenditure thereof, and shall render a just and true count of the account of the same to the Justices and Vestry of such parish, at the expenditure, first meeting of the Vestry after the expiration of the time for which an account he or they was or were chosen Waywarden or Waywardens, under thereof to the Justices and the penalty of Twenty Pounds for every neglect, to be recovered in a Vettry, under fummary manner, upon the oath of the Clerk of the Vestry of such of £20. parish where such offence shall happen, before any two Justices of the Peace for the faid parish or precinct; which said penalty or fine shall be paid into the hands of the fucceeding Waywarden or Waywardens appointed for the same road, any law, custom, or usage to the contrary in anywise notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, That Confables, every Constable to whom any such warrant or warrants as aforesaid shall under penalty of £20. to

execute war-

Conflables to give five days notice before they expole diffress to fale,

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or may be directed, is hereby authorised and obliged, under the penalty of Five Pounds, within ten days to execute, or do the utmost in his power to execute the same, by distress and sale of the offender's goods and chattels, or flock (where the money directed to be levied is not fooner paid) by public outcry, at the most public place in the parish where such levy is made, first fixing up a paper, giving five days notice thereof, before he proceeds to fuch fale; and the Constable or Constables executing such warrant, shall forthwith pay over fuch money to the Waywarden or Waywardens of that part of the parish where the delinquency happened, to be by him or them applied and accounted for as aforefaid, having first paid or tendered the surplus (if any be) to fuch offender or offenders, deducting two shillings and fixpence in the pound for his trouble: Provided always, That if any replevin shall be brought against any Constable or Constables, for any goods or other effects by him or them taken by virtue of any warrants to be iffued under and by virtue of this or any other act for the Highways, the party or parties bringing such replevin shall pay treble costs out of purse that such Constable or Constables shall be put to in defending such replevin, to be taxed by one of the Judges of the court wherein such replevin shall be tried, in case the taking shall be justified, or the person bringing such replevin shall become nonsuit. or shall discontinue the same.

XIX. And be it further enacted by the authority aforesaid, That the proceedings of any Justice, Waywarden, or Constable, upon or by virtue of this act, shall not be removed by Certiorari, or otherwise, until the several matters and things required of such person or persons (applying for such Certiorari) to be done, are sully and effectually carried into execution, and the penalties and forseitures inflicted by this act are first sully paid and satisfied, and affidavit shall be made there-

of, before any writ of Certiorari shall issue.

Persons applying for and obtaining Certiorari to enter into security.

Proceedings of Justices,

dens, &c. are not to be re-

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moved by Certiorari,

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XX. And be it further enacted by the authority aforesaid, That the person or persons so applying for, and obtaining such writ of Certiorari, shall, before the same be issued, enter into good and sufficient security to our Sovereign Lord the King, his heirs and successors, in the sum of sifty pounds, conditioned that he or she will prosecute and carry on to effect the said Certiorari; and that in case the proceedings of such Justice, Waywarden, or Constable, on such Certiorari, shall be confirmed and established, he, she, or they shall and will pay treble costs out of purse to the Justice, Waywarden, or Constable who shall defend the same.

Where the proceedings of Justices, &c. are re-

XXI. And be it further enacted by the authority aforesaid, That in all cases where the proceedings of such Justice, Waywarden, or Constable, shall, upon any Certiorari brought under, or by virtue of this

ACT I.

or any other act for the Highways, be confirmed or allowed, and 1784. judgment given for the defendant or defendants, the person or perfons at whose instance the same was granted, shall forthwith pay to Gertiorari, the Justice, Waywarden, or Constable, who shall defend the same, and confirmed, and judged treble costs out of purse, which he or they shall have been put unto, ment given in and about the defending the same, to be settled and ascertained by for the defenone of the Judges of the Court before whom such Certiorari and plaintiff to proceedings shall be tried and determined; neither shall fuch proceed- pay treble costs. ings be fet afide for want of form only.

XXII. And be it further enacted by the authority aforefuld, That no Provoft-Marnegro or other slaves, cattle, horses, mules, wains, carts, and tools, shal is not to levy upon ne which shall be actually sent to be worked, used, or employed, on any groes, &c. of the King's Highways, shall be taken by the Provost-Marshal, or any actually employed on of his deputies, during the time fuch negro or other flaves, cattle, Highways, horses, mules, wains, carts, and tools shall be so employed on the under penalty faid road, or in the going to or returning therefrom to their respective places of abode, under the penalty of One Hundred Pounds, to be recovered against the Provost-Marshal, or any of his deputies who shall act contrary to the direction of this act; and that, upon complaint made an oath of fuch levy, before any magistrate, such magistrate is hereby required, under the penalty of Fifty Pounds, forthwith to direct the Provost-Marshal, or his deputy or deputies, to deliver fuch levy to the owner or proprietor thereof

XXIII. And be it further enacted by the authority aforefaid, That it if necessary, shall and may be lawful for the Justices and Vestry of any parish in this the Justices may hire a island, whenever they shall find it necessary, to hire a proper person white man to to attend the negroes to be employed on the Highways; which per- attend the neson so to be hired shall be under the direction of the Waywardens.

XXIV. And be it further enacted by the authority aforesaid, That in Penalty on case any Justice, Waywarden, Constable, or other person, shall neglect the Justices, or refuse to do or perform any of the several matters and things by this led of duty. act, or the other Highway-laws, required of him or them to be done and performed, every such person so neglecting or resusing, shall for every offence forfeit the sum of Fifty Pounds current money of Jamaica.

XXV. And whereas many people, in bringing home large pieces of timber, drag the same on the ground, on the public Highways, without putting it on wheels or trucks, to the great injury and damage of the said roads: Be it enacted and ordained by the authority aforefaid, That no person shall presume to haul or drag any block of wood, No timbers or piece of timber, on the ground, along the public Highway, but to be dragged on the Highmust put the same on wheels or trucks (provided the road will ad-way. mit of wheels and trucks being used), under the penalty of Ten Pounds Proviso.

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for each offence, to be levied in a fummary way, by the warrant of any Magistrate, on the oath of the party complaining. And, as it may be difficult fornetimes to get a fufficient proof, inafmuch as there: is feldom any white person accompanying the negroes and cattle that are so employed, and a negro's telling to whom he belongs may not be deemed sufficient to convict the employer: Be it therefore enacted. That it shall and may be lawful for any person that meets a block of dragging tim- wood or piece of timber dragging on the ground, to stop it, and take away any one of the steers, or other beasts, employed in the draught. and to keep him fourteen days, giving public notice at the courthouse of the parish where such seizure is made, to see if the owner will claim him and pay the penalty, as well as one shilling and threepence per day for his keeping; and in case the owner, or some person for him, does not within that time claim the beaft, and pay the penalty of ten pounds aforefaid, as well as the aforefaid charge of keeping, it shall be lawful for the person who shall have seized the beast to take him to the usual place where the Deputy-Marshal sells such

> levies as he makes, and there cause him to be fold by public outery; and the money arising from such sale, after deducting the charges of fale and of keeping, shall be immediately paid into the hands of the Surveyor or Waywarden of the road where such beast was seized, to be

Penalties how to be recovered and applied.

by him applied to the repair of faid road. XXVI. And be it further enacted by the authority aforefaid, That all and every the forfeitures and penalties arising under this act, and not already declared how the fame shall be recovered, shall be recovered in manner following, that is to fay: All and every penalty and forfeiture not exceeding Fifty Pounds, shall be recovered in a summary manner before any three Justices of the Peace of the parish or precinct wherein the offence shall happen to be committed; and all and every penalty and forfeiture above Fifty Pounds shall be recovered in the Supreme Court of Judicature, or in either of the Courts of Affize, by action of debt, bill, plaint, or information, wherein no effoin, wager of law, or Non vult ulterius prosequi shall be entered; and all penalties and forfeitures shall be (after deducting the charges of profecution) paid into the hands of the Waywarden or Waywardens of that part of the parish wherein the same hath arisen, to be by them laid out and expended in amending and repairing the Highways as aforefaid; any law, custom, or usage to the contrary in anywise notwithstanding.

XXVII. And be it further enacted by the authority aforefaid, That Roads made at the public all roads which have been, or shall be made at the public expense, shall expense be deemed King's roads, and subject to such regulations as are provideemed King's roads ded by this or any other act; and that the Justices and Vestry of every

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parish in this island, where any such roads have been or shall be made, are obliged and are hereby required to appoint Waywardens, Allotments of and make allotments of flaves to work annually on fuch roads, in the flaves to be fame manner as they do for other roads in the same parish; and that made to work they be subject and liable to the same pains and penalties for any neg-manner as for lect therein, and to be recovered in the same mode and manner as the other roads. other penalties for roads are recovered.

XXVIII. And be it further enacted by the authority aforesaid, That Continuance this act shall continue and be in force from the thirty-first day of of this Act. December, in the present year of Our Lord one thousand seven hundred and eighty-four, until the thirty-first day of December, which will be in the year of our Lord one thousand seven hundred and

ninety-one, and no longer.

An Act to authorise and empower the Justices and Vestry of Passed the and the several Parishes of this Island to make and erect Pounds, for the better securing of all Strays of Horses, Mares, Mules, Asses, and borned Cattle, belonging to the Inhabitants of this Island.

HEREAS frequent losses of horses, mares, mules, asses, Acr 2. and horned cattle, have happened to the owners and pro- Preamble. prietors thereof, the inhabitants of this island, by their straying away from the lands of their owners, and which Strays have been taken up and delivered to overseers, and other persons who were not the owners thereof, and such person or persons have used, worked, and employed fuch Strays for the benefit and advantage of themselves, or for the use and benefit of the owners or employers of such overseers or fervants, to the great injury and loss of the proprietors of such Strays: In order therefore to prevent such a pernicious practice from being carried on for the future, and that evil-disposed persons should not gain any emolument to themselves by detaining, using, and employing the property of others, to the manifest prejudice of the proprietors of fuch Strays, it is necessary that a Pound or Pounds should be erected and made, in the several parishes of this island, where such Strays may be fafely kept and preserved, and the owners thereof may be thereby enabled to recover such Strays without any loss or damage; We, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, most humbly beseech your Majesty, that it may be enacted; Be it therefore enacted and ordained,

laid,

Pounds to be erected for keeping of Strays, and a person provided for taking care of the fame.

by the Lieutenant-Governor, Council, and Assembly of this your said island, That from and after the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-four, the Justices and Vestry of each and every of the parishes within this island are hereby authorised and empowered to cause to be built, made, or erected, one or more Pound or Pounds, such as shall be fitting and necessary for the safe keeping, detaining, and securing all horses, mares, mules, asses, and horned cattle, which shall stray, or be taken up as Strays, in such parish or parishes; and that after such Pound or Pounds are so made, that the said Justices and Vestry, or the major part of them, are also authorised and empowered to find and provide a fit and proper person to take care of such Pound or Pounds; and to take into his custody or possession all and every such strayed horses. mares, mules, affes, and horned cattle, as shall be brought to be impounded; and them and each of them to keep and detain in fuch Pound or Pounds, until the owner or proprietor of fuch Stray or Strays shall fend for the same, or until such time as is herein after mentioned; and that the person so to be appointed Pound-keeper, or to be paid to Pound-keepers, do and shall pay, or cause to be paid, to the person or persons who shall deliver into his custody or possession any such Strays to the Stray or Strays of horses, mares, mules, asses, or horned cattle, at and Pound-keepafter the rate of One Shilling and Three Pence per mile for each and every of such Stray or Strays, to be computed from the place where such Stray or Strays were taken up, to the place so allotted for the faid Pound.

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II. And be it further enacted by the authority aforesaid. That the laid on the in- faid Justices and Vestry who shall have so appointed a Pound-keeper habitants, for or Pound-keepers, and erected a Pound or Pound, do forthwith, after expences of the faid thirty-first day of December, in the present year of Our Pounds, &c. Lord one thousand seven hundred and eighty-four, lay a tax upon the inhabitants of each of the parishes in this island, to be raised, levied, and paid in the same manner as the parochial and other taxes are now raifed, levied, affeffed, and paid, of all fuch fum and fums of money as shall be thought necessary and proper for defraying the expenses of erecting and making such Pound or Pounds, and for purchafing or renting a sufficient quantity of land in each parish for that purpose, so as the same do not exceed in the whole the sum of One Hundred Pounds current money of Jamaica; and that the faid Justices and Vestry do also pay, or cause to be paid, to each and every of such Pound-keeper or Pound-keepers, so to be nominated and appointed as aforesaid, for his care and trouble, as an encouragement for the Salary allow. faithful discharge of his duty, a sum not exceeding Fifty Pounds edthe Pound- per annum: which the said Justices and Vestry, or the major part of them, are hereby authorised and empowered to pay, by a tax to be

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laid, affessed, and levied every year on the inhabitants of said Parish, in the same manner as the parochial and other taxes are raised, levied, and paid: And the faid Justices and Vestry, or the major part of Justices, &c. them, are hereby empowered to remove such Pound-keeper or the Pound-Pound-keepers from time to time, as they shall think proper, and keepers, and others to appoint in the stead and room of such person or persons so others. displaced, or dying; any thing herein contained to the contrary in

anywise notwithstanding.

III. And be it further enacted by the authority aforesaid, That all &s.penalty on and every person or persons who shall, after the said thirty-first day of ing Strays in December, in the present year of Our Lord one thousand seven hun-their post for more than dred and eighty-four, take up any Stray or Strays, or shall have the 48 hours. fame in his, her, or their custody or possession for the space of fortyeight hours after they are so taken up, or shall be in his, her, or their possession, and shall not deliver, or cause to be delivered, all and every fuch Stray or Strays to the next Pound-keeper, in the fame parish where they shall be so taken up (provided, a Pound or Pounds Proviso. shall have been erected, or Pound-keeper appointed, in such parish), in order that the same may be impounded, and safely kept in such Pound; all and every person or persons so neglecting shall, for every fuch offence, forfeit the fum of Five Pounds current money of Jamaica, for each Stray or Strays of horses, mares, mules, affes, or horned cattle, that shall be so found in his, her, or their custody or possession after the said time, to be recovered in a summary manner before any magistrate of the said parish, by warrant of distress and fale of the offender's goods and chattels; one moiety whereof shall be to the informer, and the other moiety to the Churchwardens of fuch parish, for the use of the poor of the said parish.

IV. And be it further enacted by the authority aforesaid, That, &s. penalty on upon delivery of each and every such Stray or Strays by the person ers refusing or persons so bringing the same to the said Pound-keeper, he, she, to pay the or they shall receive, and the said Pound-keeper is hereby obliged to mile-money. pay to such person or persons, for each and every such Stray and trays, at and after the rate of One Shilling and Three Pence per mile, to be computed from the place they were so respectively taken up, to the place where the faid Pound is kept, and no more: And in case the faid Pound-keeper shall not forthwith pay to such person or persons so bringing such Stray or Strays the said mile-money hereby directed to be paid, in default thereof, and upon complaint made upon oath before one of the magistrates of the said parish, of such the neglect or refusal of such Pound-keeper in the non-payment of such milemoney, he shall summon such Pound-keeper or Pound-keepers to appear before him at a certain day to be appointed by the faid ma-

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gistrate; and upon his neglect of appearing, or upon the matter complained of being determined against the said Pound-keeper, each and every fuch Pound-keeper or Pound-keepers, so neglecting to pay the faid money, shall forfeit the sum of Five Pounds, to be recovered in a summary way, by warrant of distress and sale of the offender's goods and chattels; one half of which forfeiture shall be to the informer, and the other half to be paid into the hands of the Churchwarden or Churchwardens, for the use of the poor of the said parish: which warrant or warrants shall be directed to any lawful Constable or Constables of the said parish, who is hereby required to execute the fame, under the penalty of Five Pounds current money of Jamaica, to be recovered in the same summary manner as the above penalty is to be recovered against the faid Poundkeeper: And the faid Pound-keeper or Pound-keepers, in each and every of the parishes in this island, shall keep a book or books. books for enwherein shall be contained the Stray or Strays so to be delivered to him, with the nature and marks of fuch Stray or Strays, as also the date when the same was delivered to him, and the persons names who delivered the fame, with the mile-money so paid for each Stray or Strays; and which book or books shall be free for the inspection of any person or persons requiring the same, and that without fee or reward, under the penalty of Two Pounds current money of Jamaica, to be recovered in a fummary way before any magistrate of the faid parish.

Pound-keepers to provide food, &c. for Strays.

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> V. And be it further enacted by the authority aforefaid, That each and every Pound-keeper do and shall find and provide for the support of fuch Stray or Strays that shall be in his or their custody or possesfion, a sufficient quantity of good food and water; and in case the said Pound-keeper or Pound-keepers shall neglect or refuse to supply each and every of the faid Stray or Strays with fufficient food and water while they shall remain in their custody, as is in this act directed to be given to each of them, all and every fuch Pound-keeper or Poundkeepers shall, for every such neglect or refusal, forfeit and pay the fum of Five Pounds current money of Jamaica, to be recovered in a fummary manner before any one of the magistrates of the said parish, in the same manner as the several other penalties in this act are directed to be levied in a summary way; one half of which forfeitures shall be given to the informer, and the other moiety shall be paid into the hands of the Churchwarden of the faid parish where the offence shall be committed, for the use of the poor of the said parish; any thing in this act to the contrary in anywife notwithstanding.

> VI. And be it further enacted by the authority aforesaid, That, when the owner or proprietor of such Stray or Strays, or the person or

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persons claiming the same from the Pound-keeper or Pound-keepers, shall apply to have the same delivered to him, her, or them; he, she, Persons ownor they shall, and are hereby obliged to pay to such Pound-keeper ing Strays to or Pound-keepers the money so by him advanced for mile-money pay to the Pound-keepfor each and every Stray so impounded as aforesaid; and shall also pay ere the milethe further sum of One Shilling and Three Pence per day to such money, &c. Pound-keeper, for each and every fuch Stray or Strays that shall have been in the custody or possession of such Pound-keeper or Pound-keepers, in lieu of all other demands, for the support of such

Stray or Strays.

VII. And be it further enacted by the authority aforefaid, That in £s. penaltyon case any Pound-keeper, or other person or persons in his employ, keepers using shall presume to hire out, let, use, work, or employ, or shall suf- or employing fer to be hired out, let, used, worked, or employed, upon any pre-Strays. tence what soever, any Stray or Strays which shall be under his care by virtue of this act, all and every fuch Pound keeper, for each and every time such Stray or Strays shall be so hired out, let, used, worked, or employed, shall respectively forfeit the sum of Five Pounds current money of Jamaica; to be recovered in a summary way before any Justice of the Peace of the parish where such Pound' shall be so erected, by distress and sale of the offender's goods and chattels; one moiety whereof shall be to the informer, and the other moiety to be paid into the hands of the Churchwarden or Churchwardens, for the use of the poor of the said parish.

VIII. And be it further enacted by the authority aforefaid, That Slaves bringwhen any Stray or Strays are brought to any of the faid Pound-keep- ing Strays to ers by any flave or flaves, such flave or flaves, before he or they shall keepers, are be intitled to receive the mile-money directed to be paid by this act to produce a for any fuch Stray or Strays, shall produce a certificate in writing, from their owners, overdirected to the Pound-keeper, from the owner or employer of fuch feers, &c. flave or flaves, or from the overfeer of the pen or plantation to which he or they shall belong; in which certificate shall be described the Stray or Strays so taken up, and the place where the same was or were taken up; as also the number of miles such Stray or Strays has or have been brought to be impounded, and leaving with the faid Pound-keeper such certificate, the said Pound-keeper shall forthwith pay the mile-money, at and after the rate directed by this act, to fuch flave or flaves, under the like penalty as for non-payment of the milemoney herein before mentioned; any thing in this act to the contrary

in anywife notwithitanding.

IX. And be it further enacted by the authority aforesaid, That in No persons case no person or persons shall claim or apply for any of the said claiming or Stray or Strays which shall be so impounded as aforesaid, to be de- Strays within

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livered to him, her, or them, for the space of Three Months, to be computed from the day on which fuch Stray or Strays shall be so imthey are to be pounded, it shall and may be lawful to and for the said Poundkeeper, after the expiration of the said time, and he is hereby obliged and required to apply to one of the magistrates of the said parish where such Pound is erected, and inform him thereof; and such magistrate, upon the said application, is hereby directed and required to give notice by advertisement in the Cornwall Chronicle and Royal Gazette, for one month, that the faid Stray or Strays will be fold on a day to be appointed by fuch magistrate; on which day so to be appointed, the said Pound-keeper is hereby directed and required to put up to fale fuch Stray or Strays, and to fell the fame for the best price or prices that can or may be had for the fame; and the money arifing by fuch fale he is hereby directed and required to pay into the hands of the Churchwarden or Churchwardens of such parish where the Pound is erected, for the use of the poor of the said parish; first deers are to pay ducting thereout the money that shall be due to such Pound-keeper for the mile-money, as well as the money that shall be due to him for keeping and supplying such Stray or Strays, and all expences, agreeable by the fale of to the directions of this act; as also his commissions, at and after the rate of One Shilling in the Pound, on the monies for which such Stray or Strays shall be so sold. And in case such Pound-keeper shall not, within twelve hours after he or they shall have so sold and disposed of fuch Stray or Strays, pay over and deliver the remaining money that shall appear to be due from him, as the balance arising by such fale or sales, after such deductions aforesaid, such Pound-keeper and Pound-keepers shall, for every such offence, respectively forfeit double the fum of money for which fuch Stray or Strays shall have been fold by him as aforefaid, to be recovered in a summary way before any one of the magistrates of the said parish, in the same manner as the several other penalties in this act are directed to be levied and affessed in a fummary way, until the whole thereof shall be paid into the hands of the Churchwarden or Churchwardens of the faid parish; and which last-mentioned penalty shall be to the use of the poor of the faid parish; any thing in this act contained to the contrary in anywise notwithstanding.

Pound-keeper, or fome is conftantly to refide at or Bear the

X. And be it further enacted by the authority aforesaid, That all and every fuch Pound-keeper and Pound-keepers shall be obliged to live white person every fucil I build-keeper and refine at the place where such Pound shall be so erected and made; and that fuch Pound-keeper, or some white person on his behalf, shall, and is hereby required, constantly to reside at such place near the penalty of where the faid Pound shall be so made, under the penalty of Two Pounds current money of Jamaica, for each time he shall be absent

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when any Stray or Strays shall be brought to such Pound, to be recovered in a summary way before any one magistrate of the said parish, for the use of the poor of the said parish: Provided, That no Proviso:-No Pound-keeper shall be obliged to receive any distempered beast of distempered beast to be any kind.

XI. And be it further enacted by the authority aforesaid, That all keepers. and every the penalties in this act mentioned, and not declared how Penalties how they shall be recovered, shall be recovered in a summary way be- to be recoverfore any magistrate of each and every of the several parishes in this ed and appliisland, where any of the offences in this act mentioned shall be committed, by warrant of diffress and sale of the offender's goods and chattels; and, where no such distress or distresses can be found, to commit fuch offender or offenders to gaol, without bail or mainprise, until they shall have severally paid such respective penalty; one moiety whereof shall be paid into the hands of the Churchwarden or Churchwardens of such respective parish, where the offence shall be committed, for the use of the poor of the said parish.

XII. And whereas, from the discontinuance of this law for some Lawful for time past, it may have happened that many horses or other beasts persons havmay have strayed into pens or pastures, and there remain; Be it fur- property to ther enacted by the authority aforesaid, That it shall and may be law- the Poundful for any proprietor, or other person having charge of property, to keeper, who offer such Strays to the Pound-keeper of the parish to be appointed, customary he paying customary pasturage, and other expences incurred by said charges, &c. Stray; fuch charges being ascertained by affidavit: or in case of re-refusal, the fusal by such Pound-keeper, that then it shall and may be lawful for persons holding such fuch person holding possession of Strays, to proceed in the same man- Strays are to ner as the Pound-keeper can do under and by virtue of this law.

XIII. And be it further enacted by the authority aforesaid, That ner as the this act shall continue and be in force from the thirty-first day of Pound-keep-December, in the present year of Our Lord one thousand seven hundred and eighty-four, until the thirty-first day of December, which of this act. will be in the year of Our Lord one thousand seven hundred and

ninety-one, and no longer.

received by

is to pay the proceed in

An Act to explain and regulate Proceedings by Foreign Paffed the 23d of December. Attachment.

HEREAS a law, of the same nature with the custom of Fo- Acr 3. reign Attachments, would be useful and beneficial to the in- Preamble. habitants of the island, by securing debts due from persons who have effects within this island, and who, either by absconding, or being absent

Act 19, vol. I. repealed.

absent from the island, cannot be reached by any writ or process out of the courts of law or equity of this island; And whereas the provisions made by the eleventh clause of an act of the Governor, Council, and Assembly, passed in the year of Our Lord one thousand fix hundred and eighty-one, entitled, " An Act for establishing Courts, and directing the Marshal's Proceedings," are found by experience infufficient and defective; Be it therefore enacted and ordained, by the Lieutenant-Governor, Council, and Assembly of the said island, That the faid clause of the faid act, and every thing therein contained, be and stand repealed.

Attachment all monies, absentees, mortgages excepted.

II. And be it enacted by the authority aforesaid, That upon any actoiffue against tion hereafter to be brought and served in the usual manner, for any debts, &c. of debts, dues, and demands on judgments, specialty, or simple contract, and disclosing the special matter to the Chief Justice, or in his absence to one of the Judges of the Supreme Court of Judicature, that the debtor against whom plaint is entered has effects within this island, and that he is either absent from the island, or that upon process already taken out against him, a Non est inventus hath been returned, Attachment shall then issue, thereby commanding the Provost-Marshal, or his lawful deputy, to attach all monies, goods, chattels, or debts whatfoever, of fuch debtor (mortgages only excepted), in the hands of the possessors of the same, be they wife, attorney, factor, agent, fervant, or any other person whomsoever; and also requiring him, her, or them, to appear at the next Supreme Court, to shew cause why the said monies, goods, chattels, or debts, or so much thereof as will fatisfy the plaintiff's demand, should not be delivered to the plaintiff; to which Attachment, a true copy of the declaration in such action shall be annexed: and the Provost-Marshall shall, upon every such Attachment, make due return of the day, and hour of the day, when such Attachment was served: and if the faid Garnishee, or party warned, shall not duly appear at such court, and in case of such default shall be recorded; and then, or in case the Garnishee or Garnishees shall plead and be convicted by verdict, it shall and may be lawful for the plaintiff or plaintiffs to come into court in proper person, or, if absent from the island, by attorney, and openly and folemnly fwear, (or if of the people called Quakers, folemnly affirm) that his or their debt or demand is just and true, and specify what fum is still owing to him from the defendant, after all due credits given: and then the plaintiff or plaintiffs shall have judgment to recover the same out of the monies, debts, goods, and chattels so attached as aforesaid.

Garnishee to be cited to appear and thew cause;

Garnishee transferring

conviction.

plaintiff.

judgment to pass for the

> III. And be it further enacted by the authority aforesaid, That in safe any Garaishee, from and after his being served with the Attachments,

ACT 3.

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ments, as aforesaid, shall transfer, remit, dispose of, or convert any 1784. of the monies, goods, chattels, or debts, in his hands at the time of fuch fervice as aforesaid, so that there shall not be sufficient to satisfy to be liable the plaintiff or plaintiffs his or their said demand, sworn to or af- for the debt. firmed as aforesaid, then such Garnishee or Garnishees shall be liable to fatisfy the fame, as if his, her, or their own debt.

IV. And be it enacted, That if the Garnishee or Garnishees shall, Garnishee upon being served with the Attachment as aforesaid, come into court, closure of efand disclose upon oath (or if a Quaker, upon affirmation) what mo-fects in his hands, to renies, goods, debts, and effects of the absent or absconding person tain his own are in his or their hands, or due by him or them, and to what value, demands. and submit himself, herself, or themselves, to an examination in open court, that then, and in such case only, he, she, or they shall be allowed to retain, as against such plaintiff, out of the said monies, goods, debts, and chattels, so much as will satisfy any debt or demand that he, she, or they may have against the said debtor; and shall ascertain on oath, (or if a Quaker, on affirmation) to the satisfaction of the court, together with his reasonable costs, to be taxed in common form; and the faid plaintiff or plaintiffs shall, upon oath or affirmation of his debt, as aforesaid, have judgment to recover his said demand out of the refidue of the monies, goods, chattels, and debts so attached as aforesaid: Provided nevertheless, That nothing Proviso. herein contained shall be construed to make such retainer binding and conclusive in any matters or questions between such Garnishee or Garnishees, and the defendant or defendants.

V. And be it further enacted by the authority aforesaid, That it Carnishee to shall and may be lawful for the defendant or defendants, Garnishee put in bail. or Garnishees, or other person or persons, as attorney, trustee, factor, or agent of the faid defendant or defendants, at any time or times during the proceedings of the faid court, and before fuch fecurity given, as herein after mentioned, to come into court, and put in bail to answer the plaintiff or plaintiff's action, and pay the condemnation, and thereupon the faid Attachment shall stand dissolved.

VI. And be it enacted by the authority aforefaid, That the judgment Plaintiff to or judgments to be obtained against the Garnishee or Garnishees as give bond to aforesaid, be upon condition that the plaintiff or plaintiffs in said ac- nies, &c. attion or actions do enter into bond, with two sufficient sureties, to be judgment be approved of by the clerk or prothonotary of the Supreme Court of not obtained Judicature, to return the faid monies, goods, chattels, or debts at- and so much tached, or the value thereof, with interest, if the faid plaintiff or asthesaid monies, &c. may plaintiffs shall not proceed to obtain final judgment for his or their exceed the faid debts or demands within three years next ensuing such judgment, judgment. against the Garnishee or Garnishees as aforesaid, and also to return so

in three years;

much of the monies, goods, debts and effects attached, or the value thereof, with interest, as the said final judgment so to be obtained shall prove deficient of the sum sworn to or affirmed by the plaintiff

or plaintiffs as aforesaid.

Judgment tained in three years, to execution for restitution, &c.

VII. And be it further enacted by the authority aforesaid, That in not being ob- case such plaintiff or plaintiffs shall not prosecute his said action, and obtain final judgment thereon within three years next ensuing the plaintiff liable judgment obtained against the Garnishee or Garnishees, as aforesaid, that then and in such case, judgment shall be given for restitution of fuch monies, debts, goods, and effects attached as aforefaid, or the value thereof, with interest; and such plaintiff or plaintiffs, his or their fureties, are hereby declared to be liable to execution or executions for the same.

Plaintiffliable to execution for restitution of excels.

VIII. And be it further enacted by the authority aforesaid, That in case the final judgment to be obtained as aforesaid, is for less than the fum fworn to or affirmed by the plaintiff or plaintiffs, as aforesaid, then the faid defendant or defendants shall have judgment of restitution of fo much of the monies, goods, debts, and effects, or the value thereof, with interest, as such final judgment shall be deficient of the sum sworn to, or affirmed as aforesaid; and such plaintiff or plaintiffs, and his and their fureties, are hereby declared to be liable to execution or executions, at the suit of such defendant or defendants, for the fame.

After final judgment, execution.

IX. And be it further enacted by the authority aforesaid, That after final judgment to be obtained by the faid plaintiff or plaintiffs, in plaintiff may his or their action as aforesaid, it shall and may be lawful for such plaintiff or plaintiffs to iffue the common execution for the same, giving due credit in marking his or their writ of venditioni, for fo much as he or they shall have received from the Garnishee or Garnishees, by virtue of such attachment as aforesaid: Provided always. that nothing in this act contained shall be construed to make slaves or live cattle subject to writs of Attachment.

Proviso.

Cafes not within the previsions of this act, to be regulated by the Su-

X. And be it further enacted by the authority aforesaid, That in all fuch cases of Foreign Attachments which do not come within the provisions of this act, it shall and may be lawful for the Judges of the Supreme Court, and Justices of Assize of this island, to govern preme Court. themselves by the custom of Foreign Attachments, as used and enjoyed by the Mayor and Sheriffs' Courts in the city of London.

Continuance of this act.

XI. And be it further enacted by the authority aforesaid, That this act, and every clause, matter and thing therein contained, shall continue and be in force, from the passing thereof, for and during the term of feven years, and no longer.

1784.

An Act for the Ascertainment and Regulation of Emblements. Passed the 23d

HEREAS estates in this island differ so much in their nature Acr 4. from estates in that part of Great-Britain called England, Preamble. and their products are so various in value and quality, from a diverfity of causes, that many doubts and uncertainties have arisen, and still exist, with respect to Emblements, and it is difficult to ascertain and fet out the same to the party or parties entitled thereto: For remedy whereof, may it please your most excellent Majesty that it may be enacted, and be it enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, That from and Judges of the Supreme after the thirty-first day of December, in the present year of Our Court, upon Lord one thousand seven hundred and eighty-four, in all cases of court by affi-Emblements, it shall and may be lawful to and for the Judges of davit, to iffue the Supreme Court of Judicature, according to the usual course of a writ of enthe faid court in proceedings by affidavit before them, upon sufficient ing the Procause shewn to them in open court, upon affidavit; (and which af- to warn a jury fidavit shall contain the name or names of the party or parties liable of freeholdto fuch Emblements) to iffue, or cause to be issued, out of the said Supreme Court of Judicature, and returnable into the same court, a writ of enquiry, directed to the Provost-Marshal-General, thereby commanding and requiring him, to warn twenty-four good and lawful men, of the neighbourhood where the land or estate out of which fuch Emblements shall arise, or are situated, each of whom to have a freehold of the value of Ten Pounds per annum at the least, to meet on the premises at some certain day by the Provost-Marshal to be appointed, then and there, by the oaths of twelve of the faid freeholders, to be chosen by ballot by the said Provost-Marshal, from amongst so many of the said freeholders as shall attend, by virtue of their being warned as aforesaid, being first sworn in the presence of who are to one or more of His Majesty's Justices of the Peace, to be warned examine into, and attending for that purpose, well and truly to view, examine, and the quantity enquire, and on full confideration of all circumstances, justly deter- and proportion of the mine the quantity, share, and proportion for Emblements of the crop for Emcrop on the ground at the death of the person or persons under whom to appraise fuch Emblements shall be claimed as aforesaid, and the name or names the same. of the party or parties liable thereto, and truly appraise and value the fame, according to the best of their judgments and consciences; and which faid writ shall issue in the following form:

1784.

GEORGE the Third, &c. To the Provost-Marshal-General of our faid Island, greeting:

Form of the writ of Emblement.

WHEREAS it bath been represented to the Judges of our Su-" preme Court of Judicature, that A B, of, &c. departed this " life possessed of all that, &c. (setting forth the premises) And whereas " CD, of, &c. the executor of the faid AB (or administrator, as the " case may be) bath made it appear, to the satisfaction of the Judges " of our Supreme Court of Judicature, that he is well entitled to Em-" blements of the crop on the ground at the death of the faid A B; and we being willing that what is just and right should be done, do com-" mand you, that you warn, or cause to be warned, twenty-four good and lawful men, of the neighbourhood of the faid premises, each of whom to have a freehold of the value of Ten Pounds per annum at " the least, to meet on the said premises on some certain day by you to be " appointed, and then and there, by the oaths of twelve of the faid " freeholders, by you to be chosen by ballot from amongst so many of the " faid twenty-four freeholders to be warned, as shall attend, being first " fworn in the presence of one or more of His Majesty's Justices of the " Peace, by you to be warned, and attending for that purpose, well " and truly to view, examine, enquire, and on full confideration of all " circumstances, justly determine the quantity, share, and proportion of " the crop on the ground at the time of the death of the faid A B, and " the name or names of the party or parties liable to such Emblements, and truly to appraise and value the same, according to the best of their judgments and consciences: and having so done, you are to make " due return thereof, openly and distinctly, under your hand and seal. " and the hands and feals of fuch twelve freeholders as aforefaid, into " our Supreme Court of Judicature, on the last Tuesday, &c. " Witness, &c."

Provoft-Marshal not to execute the has given Fourteen notice to the parties.

And be it further enacted by the authority aforesaid, That the Provost-Marshal shall not presume to execute the said writ, until he writ, until he shall have first given to the party or parties, or to his, her, or their attorney or attornies, against whom such writ shall issue, Fourteen Daysprevious Days notice at least of the execution of such writ, and that in writing, figned by the faid Provost-Marshal; and that before he shall enter upon the execution of the faid writ, he shall cause the service of a true copy of the faid notice to be proved by affidavit in writing, figned in the usual manner, and sworn before the said Justice or Justices; which affidavit, with the original notice, figned by the said Provost-Marshal, the said Provost-Marshal shall annex to his said return.

ACT 4.

III. And be st further enacted by the authority aforefaid, That upon the faid writ being duly returned, and filed in the faid Supreme Court Upon the writ of Judicature, it shall and may be lawful for the Judges of the said being duly re-Supreme Court of Judicature to adjudge the party fuing out fuch writ turned, the as aforesaid, the amount of such valuation and appraisement as shall supreme be returned as aforesaid, to be paid to him or them by the party against Court to adjudge to the whom fuch writ shall issue, within such reasonable time as the court party suing shall direct: And it shall and may be lawful for the Judges of the said the amount of Supreme Court to enforce such judgment, by issuing a writ of exe- the valuation cution, at such time as the said court, upon giving the said judg- and may enment, shall see cause to direct; upon which execution, writs of ven-force such ditioni shall afterwards issue, according to the usual course of said issuing writs court: and from which judgment, writ of execution, writs of ven- of execution and venditioni ditioni exponas, no writ of error, appeal, essoin, protection, wager thereon. of law, or Non vult ulterius prosequi, shall be granted or allowed; any law, custom, or usage to the contrary notwithstanding. Provided always nevertheless, That it shall and may be lawful for the party or Parties may parties against whom such writ of enquiry shall issue as aforesaid, his, appear in her, or their attorney or attornies, upon the return thereof, and return of the during the fitting of the same court in which the said writ shall be re- writ, and enturnable, to appear before the faid Supreme Court, and then and there rity to deliver to enter into fuch security as the said court shall approve of, to deliver kind, to the to the party or parties intitled to Emblements, within fuch reasonable amount of the valuation of time as the court shall direct, at the usual barquadier or shipping- Emblements, place of the faid estate or estates out of which such Emblements shall under certain conditions, arife, produce in kind, to the amount of the valuation and appraisement, and that in good and sufficient casks, or other usual packages, according to the nature and quality of fuch produce, and free from all deductions, charges, and expenses whatsoever; any thing herein contained to the contrary in anywife notwithstanding: such produce. when delivered, to be valued by three indifferent persons, one to be named by the court, and the other two by the parties respectively, his, her, or their attorney or attornies. Provided also, That in all In all cases cases where the lands lie in several parishes, distinct and separate lands lie in writs shall issue for each respective parish, and the same shall be by several parishes said Provost-Marshal, separately and distinctly executed, and re- and separate turned in manner as aforesaid. And the Provost-Marshal, when he write to iffue. cannot attend in person, shall be, and he is hereby at liberty to ap- Provon-Marpoint a deputy, by warrant in writing under his hand and feal, to final may apexecute the same; which warrant shall be annexed to the said return, point a depuand made part thereof: And the faid Provost-Marshal shall be enti- rant, to exetled to have and receive, and he is hereby empowered to demand and cutethe write. take, such fees for the execution of such writ or writs, as he is now

1784. entitled to receive for the return of other inquests into the said Supreme Court of Judicature.

No perfon hereafter to enter upon the lands of another for Emblements.

IV. And be it further enacted by the authority aforesaid. That hereafter no person or persons shall enter on the lands of another, for Emblements, or have any ingress, egress, or regress for the same; any law, custom, or usage to the contrary notwithstanding.

feription of what shall hereafter be deemed Emblements.

V. And, for the better afcertaining what shall be Emblements. according to the true intent and meaning of this act, Be it further Particular de- enacted by the authority aforesaid, That in future, such Emblements shall be confined to the crop next succeeding the death of the person or persons under whom the Emblements shall be claimed as aforesaid, if fuch person or persons shall depart this life before the beginning of crop; but if fuch person or persons shall depart this life during the crop, that then and in such case, the right of Emblements shall only extend to the crop then taking off at the time of the death of fuch person or persons so entitled; any law, custom, or usage to the contrary in anywise notwithstanding. Provided nevertheles, That when a tenant for life shall so die, during the time of taking off the crop as aforesaid, the Jury shall take into their consideration the expence of putting in the plant-canes intended to be cut the next year, and make a reasonable allowance for the same to the person or persons entitled to Emblements as aforesaid.

Provifo.

If the tenant for life be off this island at the time of his death, perfons entitled to Emblements to iffue their writs, &c-

VI. And be it further enacted by the authority aforesaid, That if the tenant for life shall be off this island at the time of his death, or if such person or persons, so entitled to the Emblements as aforefaid, shall be absent from this island, so that no writ shall have iffued for the afcertaining of fuch Emblements, whilst the crop is on the ground, or during the time the same is taking off; nevertheless, fuch person or persons, so absent, shall be entitled to iffue such writ of Emblements after the crop is taken off, and to have the full benefit thereby, upon giving evidence to the Jury warned to meet on the premises, under and by virtue of such writ, of the value of such crop so taken off as aforesaid; any thing herein contained to the contrary thereof in anywise notwithstanding.

Negroes, monies, &c. returned upon writs for Emblements, not fubject to priority.

VII. And be it further enacted by the authority aforesaid, That the negroes, monies, or goods, returned upon fuch writ or writs of execution or venditioni, for or on account of Emblements, as aforesaid, shall not be affected by, or made applicable to any prior writ or writs against the person or persons in remainder or reversion, as aforesaid; any law, custom, or usage to the contrary in anywise notwithstanding.

VIII. And, to prevent delays that may happen in the execution of fuch writ or writs, through the default of some one of his Majesty's Justices of the Peace, before whom the Jury may be sworn,

ACT 4, 5.

and the persons warned as Jurors on such writ or writs, Be it enacted by the authority aforesaid, That hereafter, if any person summoned Magistratesor either as Magistrate or Juror, at least Four Days before the day on Jurors being which such writ or writs are to be executed, shall neglect or refuse summoned, to attend the execution of fuch writ or writs, the Provost-Marshal, or attend the his lawful deputy, attending the execution thereof, shall, and he is execution of writs for Emhereby required under the penalty of Twenty Pounds for every neg-blements, sublect, to be recovered in like manner as other penalties are directed by jet to be fined by by the Suany other act to be recovered against the Provost-Marshal or his law- preme Court. ful deputies, to return into the faid Supreme Court of Judicature the name or names, and places of abode, of fuch defaulters, with an affidavit of the service of such notice; and the Judges of the faid Supreme Court of Judicature are hereby authorised and required to lay a fine upon each and every fuch defaulter, and to compel the payment thereof, in like manner as is usually done respecting jurors to attend the faid Supreme Court: and fuch Jurors, so warned to attend Jurors prothe execution of such writ or writs of Emblements, shall be, and tested from writs, during they are hereby protected in their persons from all mesne and judicial their attend-Process, during the time of such their attendance, and in going and ance. returning to or from the place of the execution of fuch writ or writs: any law, custom, or usage to the contrary in anywise notwithstanding.

An Act to regulate Wharfage and Storeage.

Paffed the sad of December.

THEREAS it is necessary to have the rates of Wharfage and AcT 5. Storeage settled and ascertained throughout this island; Be it Preamble. therefore enacted, by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is bereby enacted by the authority of the same, That from and after the first day of Ja- Wharfingers nuary, which will be in the year of Our Lord one thousand seven to keep a book, and to hundred and eighty-five, all and every person and persons keeping enter the public Wharfs, shall be obliged to keep a book, wherein he or they numbers of shall fairly enter the marks and numbers of all goods that shall be all goods, &c. landed on, or delivered at his or their Wharf or Wharfs; and also the name or names of the person or persons by whom landed or delivered, and the name or names of the person or persons to whom the same is to be delivered, and the name or names of the vessel or vessels out of which the said goods shall be taken; and also shall give receipts for all goods that thall be fo delivered or landed at or upon his or their Wharf or Wharfs: And if any owner or owners of any what some Wharf or Wharfs, or any perion or perions acting under him or die Wharfsthem,

Penalty on Wharfingers not kee ing fuch book !.

them, that receive payment of any goods landed on, or delivered at his or their Wharf or Wharfs, or for any veffel lying and delivering or lading thereat, the faid Wharf or Wharfs thall be deemed and held to be a public Wharf or Wharfs; and whatfoever Wharfinger shall negled to keep such book, and to make such entries, or give such receipts as aforefaid, if demanded, shall forfeit for every offence the fum of Ten Pounds; any law, custom, or usage to the contrary in anywife notwithstanding.

Wharfingers obliged to fheds and tar-

II. And be it further enacted by the authority aforesaid, That all and every Wharfinger or Wharfingers, and he and they are hereby keep a crane, obliged to keep a crane, sheds, and tarpaulins, for securing goods paulins, &c. landed at, or brought to his or their Wharf or Wharfs, from the ander the pe- weather; and shall also be obliged to put all and every hogshead or tierce of fugar, delivered as aforefaid, under fuch sheds or tarpaulins as aforesaid, and on skids of the height of four inches at the least from the ground; under the penalty of One Hundred Pounds for every default; and be further liable to an action at law, for whatfoever goods shall be damaged for want of such sheds, tarpaulins, and skids, or lost or stolen therefrom; any law, custom, or usage to the contrary in anywife notwithstanding.

III. And be it further enacted by the authority aforefaid, That all under the pe- and every Wharfinger or Wharfingers, and they and each of them are and is hereby obliged to keep a store, or sufficient shed, for the purpose of receiving and preserving under lock and key such rum as thall be fent to their respective Wharfs, under the penalty of One Hundred Pounds for every default, and be further liable to an action at law, for whatfoever goods shall be damaged for want of such sheds, tarpaulins, and skids, or lost or stolen therefrom; any law, custom, or usage, to the contrary in anywise notwithstanding.

Sheds to be thingles or flates, &c, unty of rool.

Wharfingers,

nalty of rool.

to keep a ftore

for feeuring rum under

lock and key,

· &c.

IV. And be it further enacted by the authority aforefaid, That all and covered with every Wharfinger or Wharfingers, and he and they are hereby obliged, within three kalendar months after the passing of this act, to cover der the penal- all and every such sheds, to be kept upon his and their Wharf or Wharfs, with shingles, slates, tiles, or terrals, under the penalty of One Hundred Pounds for every month the same shall remain uncovered as aforesaid, after the expiration of the said term of three months.

V. And whereas many inconveniences may arise from Wharfingers refusing to deliver goods in their possession when demanded; Be it Wharangers therefore enacted by the authority aforefast, That, from and after the liver goods to faid first day of January which will be in the year of Our Lord one the owner, to thousand seven hundred and eighty-five, all and every keeper or keepers of any Wharf or Wharfs, or any person or persons acting by,

tor,

refufing to de-Social sool.

for, or under him or them, who shall presume to refuse to deliver fuch goods received, as aforefaid, into his or their custody or possesfion (if demanded between the hours of fix and twelve in the forenoon, and two and fix in the afternoon) to fuch person and persons to whom the same shall stand entered in the books of such Wharf, or to his or their order, every such Wharfinger or Wharfingers shall, for every offence, forfeit the sum of One Hundred Pounds. Provided always, That payment is tendered for the Wharfage and Storeage of Previso.

fuch goods, according to the rates hereunto annexed.

VI. And be it further enacted by the authority aforefaid, That all Keepers of and every keeper or keepers of any public Wharf or Wharfs, as liged to put aforesaid, is hereby obliged to receive, ship, and put into a proper such goods as and good Store or Stores, or other fafe and dry places, fuch of the damage by goods, wares, and merchandizes, and articles which are liable to wet, into damage by getting wet, at and after the rates and prices fet forth in &c. and to the table or schedule hereunto annexed; and also to weigh and gauge weigh and (if thereunto required) the fundry produce of this island, delivered duce. or landed at his or their Wharf or Wharfs, or put under their care and custody.

VII. And be it further enacted by the authority aforesaid, That every Wharfingers Wharfinger shall, and he is hereby obliged, under the penalty of obliged, un-Fifty Pounds for every neglect, to enter in his Wharf-book the ty of sol. to marks and numbers of the feveral produce of this island delivered at their Wharfhis Wharf, with the names of the estates from which the same was books, the brought; and if sugars, and directed to be weighed, that he shall numbers of enter the weights, with the names of those to whom delivered, or the produce, of the vessels on board of which the same was shipped; and in like

manner of every other produce.

ACT 5.

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VIII. And be it further enacted by the authority aforesaid, That Wharfingers every Wharfinger shall, and he is hereby obliged, under the penalty der the penalof Five Hundred Pounds for every neglect, once in any day in the ty of sool to month of January, in every year, to make oath, or, if a Quaker, year to the folemnly affirm, before any magistrate of the parish wherein his Wharf truth and jusis fituate, (which oath or affirmation such magistrate is hereby em- Wharf-books. powered to administer) that the accounts entered in his Wharf-book, day of January preceding, are true and just; which oath or affirmation shall be entered in the said Wharf-book, on the day it shall be taken, in the words following:

A B. Wharfinger, of do swear or affirm, that all the Form of the accounts of wharfage, storeage, weighing, prices, shipping, re- oath.

[&]quot; ceiving and delivering of all goods, and of all produce of this ijiand " brought to this Wharf, and entered in this book from the

to this day, are just and true, and entered, to the best of my 1784. " knowledge, purfuant to the direction of an act entitled, " An Act " to regulate Wharfage and Storeage," paffed " SO HELP ME GOD."

> which oath or affirmation shall be subscribed by the said Wharfinger. and acknowledged by the magistrate taking the same; any law, cuf-

tom, or usage to the contrary in anywise notwithstanding.

Rach Wharfin the weigh-

IX. And be it further enacted by the authority aforefaid, That each inger to affix, and every Wharfinger or Wharfingers shall be, and he and they is and house, a lift are hereby obliged, within three months after the passing this Act. of the rates of to affix, and constantly keep up in view, in some public place under &c. under the cover from the weather, at or near the weigh-house, or place of penalty of weighing goods, on his or their Wharf or Wharfs, an exact lift of day's neglect. the rates of Wharfage and Storeage, as appointed by this act, properly digested in an alphabetical manner, under the penalty of Forty Shillings for each and every day's neglect and delay in affixing and keeping up the fame.

Wharfingers perform their ing greater att. &c. to forfeit real,

X And be it further enacted by the authority aforesaid, That if any neglecting to Wharfinger or Wharfingers, or any person or persons acting for or duty, or atk. under him or them, shall neglect or refuse to do and perform his or their duty, as is herein before set forth; or shall presume to ask, deprices than all lowed by this mand, receive, or take any greater or larger prices or rates than those herein before-mentioned, for shipping, receiving, storeing, skiding, weighing, gauging, and properly fecuring the goods and merchandifes delivering at his or their Wharf or Wharfs, shall, for every such offence, forfeit the sum of One Hundred Pounds.

Penalties, &c. be recovered manner before one Jufceeding tol. in the Su-

XI. And be it further enacted by the authority aforesaid, That the under rol to feveral penalties and forfeitures in this act mentioned, and not dein a furmary clared how they shall be recovered, shall, if not exceeding Ten Pounds, be recovered in a summary manner before any one of His tiee; and ex. Majesty's Justices of the Peace in the parish or precinct where the offence shall be committed: Which said Justice is hereby empowered. preme court. authorised, and required to commit such offender or offenders to gaol, there to remain without bail or mainprize, until he or they shall have paid the same: And all penalties and forseitures exceeding Ten Pounds shall be recovered in the Supreme Court of Judicature, or in either of the Courts of Assize in this island, by action of debt, bill, plaint, or information, wherein no effoin or wager of law shall be allowed. or non vuit ulterius projegui entered; any thing herein contained to the contrary in anywife notwithstanding.

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Penalties to go to the informer.

XII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures in this act mentioned shall be to the informer, or him, her, or them who shall fue for the same. XIII.

ACT 5.

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XIII. And be it further enacted by the authority aforesaid, That all packages of dry goods, provisions, bottled and all cask liquors, (rum All goods, excepted), landed on any Wharf, and not taken away by the owner, rum except-or the person or persons to whom the same shall be landed, in the ed, if not ta-ken away space of two months in Kingston, and four months in all other parts within two of the island, after such landing as aforesaid, the Wharfinger shall months in Kingston, and be intitled to ask, demand, and receive, for all such goods so laying four months over, double the Wharfage mentioned in the faid schedule hereunto at the outannexed; provided such goods shall have been stored or housed.

1784. double wharf-

A SCHEDULE, or TABLE OF RATES,

To which the annexed Law refers.

	I.	s.	d. j	f. 1		1.		d.	£
TOR each anvil	0	2	6		For each cheft of foap	0	2	6	•
FOR each anvil For each dozen of hoes, bills,					For each small cheft of oil		100	7	
	0	0	7	2			I		
For each barrel of tar and pitch	0	0			For every case of dry goods, accord-	100	-	3	
For each barrel of beef, pork, and					ing to the fize, from 1s. 3d. to	0	7	6	
flour	0	0	5	- 1	For every case of iron ware, under				
For each barrel of herrings	0	0	7	2	gewt. 1s. 3d. and all above sewt.	0	2	6	
For each bag of feathers	0	0	7		For every 4 boxes of pickles	0		7	2
For each bag of ginger under 1cwt.	0	0	4		For every feroon or bag of cocoa	0	1	3	
For each bag of piemento	0	0	7	2	For each churn cheft of cheefe		0	701	2
For each small bale, 2cwt. and under	0	I	3		For every 8 cheefes not in chefts	0	0	7	2
For each middling bale, from 2cwt.					For every 4 fmall tubs of cheese	0	0		2
to 4cwt.	0	2	6		For every 2 large tubs of cheefe	0	0		2
For each very large bale	0	5	0	11	For every crate of earthen ware, ac-				
For each fmall beaufet	0	2	6	4	cording to fize, from 1s. 3d. to	0	5		
For each large beaufet	0	5	.0		For each coil of cordage, according		(Per sy		
For each butt	0	5	0	-	to fize, from 7d 2f. to	0	.5	.0	
For each small box of glass	0	2	6		For each cable, according to fize,		1718	013	
	0	5	90	T	from 10s. to	1	TO	.0	
	0	0	10		For each coach	I	5	0	
For each box of dry goods	0	11	3	-	For each chariot	1	0		-1
For every ton of bar iron	0	5	0		For each chaife	0	15		
For every 100 of iron hoops, and in	0 2				For each copper or iron boiler, from		1	.2.5	
proportion for a greater or lesser					2s. 6d to	0	7	6	
number			17		For each chair unpacked	0	0	7	2
For each bundle of wain tyre			3		For chairs in bundles	0			
For every 4 packs of puncheon flaves	0	10	7	2	For each couch	0	2	6	
For every bundle of leather	0	0	7	2	For each corner cupboard, accord-				
For every 1000 bricks	0	5	-0	1	ing to fize, from 18. 3d. to	0	3	9	
For each bureau	0	-2	6	1	For every 3 pieces of crocus or ofna-				
For each cheft of bacon	0	DI	13		brug, loofe		0	7	2
For each cheft of arms		5	0	- 7	For every bag of cotton, and shipping	0	I	3	
For each cheft of medicines, if small					For each cask of bottled liquor	0	1		
5s. if large	0	10	0	1	For each fmall cask of nails	0	0	7	2
For each cheft of drawers	0	5	0	-	For each large cask of nails	0	1	3	or
								A 18	

	1.	5.	d.	f.	and a property of the property of the property	1.	J.	d.	f.
For each carriage-gun, four and fix			151		For every large box of pipes			3	
pounders, 5s, and all above	0 1	0	0		For every imall box of pipes		0		2
Fgr each defk	0	2	6		For every puncheon of rum, for land-			4	
For each tierce of earthen ware	0	1	3		ing, wharfage, storeage, gauging,				
For each hogfliead of earthen ware	0	2	6		and fhipping	0	2	6	
For each hogshead of fish	0	I	10	2	For receiving and delivering empty		W.		
For each barrel, half-barrel, or keg					puncheons, each	0	0	*	2
of gunpowder	0 1	10	0		For every tierce of rice, corn, or	-	-	. /	•
For each grapnel	0	1	3		other grain	0	0	. ~	-
For each grindstone, if small 7d. 2f.			1		For every 2 barrels of rice		0	- /	2
or if large	0	T	3		For shipping off every 1000 feet of	0	0	1	4
For every hoghead of beer, rum,			9		lumber	_		-	
bread, or melaffes	0	I	3		For every bundle of spades, shovels,	0	2	0	
For every hogshead of sugar, for			3		or jack-screws				
landing, wharfage, floreage, weigh-					For every faniths' bellows	0		3	
ing, and shipping	•	2	6			0	2	6	
For every 1000 of wood-hoops, stored	0	2			For every 8 loaves of fugar	0	0	7	2
		5	0	2	For every still-head	0	5	0	
For every 8 hams	0	0	7	2	For every fet of trufs hoops	0	0	7	2
For each hide	0	0	2		For each spinnet	0	3 2	9	
For each hearth	0	5	0		For every 1000 shingles unpacked	0	2	6	
For each harrow	0	2	6		For every 1000 shingles in bundles	0	1	3	
For each hamper, if small 7d. 2f. if					For every 1000 staves	0	5	0	
large	0	I	3		For each trunk, from 18. 3d. to	0	5	. 0	
For every dozen iron pots, loofe	0	2			For each table, from 1s. 3d. to	0	2	6	12
For every iron weight of 56lb.	0	0		2	For every 4 boxes of tobacco	0	0	7	2
For every jar of oil, from 3d. 3f. to	0	2	6		For every 100 rolls of tobacco	0	5	0	
For every 2 coopers jointers	0	0	7	2	For every 1cwt. of tobacco	0	I	3	
For every 2 kegs of paint, if large,					For every tache	0	2	3	;
and if fmall 4 for	0	0	7	2	For each triangle		5	0	,
For every 4 kegs of vinegar, tal-					For each tierce of fugar, for land-		,		16
low, tripes, bread, gruts, peas,					ing, storeage, weighing and ship-				
and ftarch	0		7	2	ping	0	1	Ic	
For every sheet of lead	0	2	6		For every ton of wood if weighed	0	7		
For every bundle of ladles	0	0	7	2	For each worm for stills of 500 gal-		,		10
For every 1000 feet of lumber	0	5	0		lens or under	0	-	6	:
For every marble flab, from 2s. 6d. to		7	6		For each worm for fills from 500	٠			
For every 100 feet of mahogany					gallons to 1000 gallons		10		
plank, flabs, or fquare timber	0	1	6		For each worm for stills from 1000		10	•	
For every bundle of mats	0	1	3		gallons and upwards				
For every mill-case of common fize,			3		For each gudgeon		0	1000	
18. 3d. if large	•	2	6		For each hogshead of coals	0		a - 31 at 15	
For every mouth-piece	0					0	I		}
For every dozen of ox-bows	0	0		2		0		3	7
	0			2		0			1
For each plough	-	2			For each iron axle	0			7
For each plate of furnace-mouths	0	0		2	For each hogshead of lime	0			
For every 6 pots and drips	0	0	7	2	For each puncheon of temper-lime	0	I	3	3

And that all other Goods, Wares, and Merchandises, not herein particularly enumerated and set forth, shall be paid for in proportion to the foregoing Rates. ACT 6.

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An Act to empower the Justices and Vestry of the several 1784. Parishes of this Island to settle and regulate the Price and Passed the 23d Affixe of Bread.

THEREAS the settling and regulating the Price and Affize of Act 6. Bread in the feveral parishes of this island, will be of great Preamble. benefit and advantage to all the inhabitants, more especially to the poorer fort of people; We your Majesty's dutiful and loyal subjects, the Affembly of this your Majesty's island of Jamaica, most humbly beseech your Majesty, that it may be enacted; And be it enacted, by your Majesty's Lieutenant-Governor, Council, and Assembly of this island, and it is hereby enacted and ordained by the authority of the same, That, from and immediately after the passing of this act, any two of Two Junices His Majesty's Justices of the Peace, with fix Vestrymen, of the pa- and fix Vestrymen may rish, in Vestry assembled, in any parish of this island, shall, from regulate the time to time as there shall be occasion, set, ascertain, and appoint, weight of within the faid parish, the Assize and weight of all forts of Bread, Bread. to be fold or exposed to sale by any Baker or other person whatsoever, within the limits of fuch parish, having respect to the price of meal or flour, whereof fuch Bread shall be made, in the respective markets within such parish; any thing in this or any other act, or any custom or usage to the contrary thereof in anywise notwithstanding.

II. And, to the intent that the good defign of this act may be ef- common Ba fectually complied with. Be it further enacted by the authority afore- kers to mark their initials, faid, That every common Baker, and every person who shall make or &c. on Bread bake for fale, or any ways expose to sale, any fort of Bread whatfo- fale; ever, shall, from and immediately after the passing of this act, fairly imprint or mark, or cause to be fairly imprinted or marked, the initial capital letters of the name or names of fuch Baker or Bakers, on every loaf fo by him or her made or exposed to fale, or any other mark as shall be appointed by the said Justices and Vestry in each parish; and the said Justices and Vestry, within their several districts, shall have full power and authority, from time to time, to limit, direct, and appoint, how and in what manner each loaf of Bread shall be marked, in order to ascertain the maker or Baker of such Bread, and also to set the Price and weight thereof, as in their judgments they shall find necessary and convenient: And if any Baker or and not com-B kers, or other person or persons, baking or making Bread for fale, plying there-with, how or exposing Bread to sale, shall not observe the Assize to be ascertained punishable. by the faid Justices and Vestry, or that shall bake or make for sale, or Tell or expose to sale any Breat that shall not be so marked, or that

shall be wanting in due weight, according to the direction of this act. he or they so offending being thereof convicted by the confession of the party, or by one or more credible witness or witnesses, before one or more Justice or Justices of the Peace of the parish or precinct wherein the offence shall be committed, or on the view of any one or more of the Justices of the Peace of such parish or precinct, shall, for every such offence, for any Bread found deficient in the mark or in weight, according to the Assize of Bread so to be set as aforefuld. to the amount of one ounce or more, he, she, or they so offending shall, for every such offence, forfeit and pay the sum of Twenty Shillings for every ounce of Bread fo wanting; and for every Bread wanting any weight lefs than an ounce, the fum of Ten Shillings; fuch Bread being weighed before a Magistrate, or Justice or Justices of the Peace of such parish or precinct, or before any person or perfons by him or them appointed, within forty-eight hours after the fame shall be baked or exposed to sale: the said forfeiture or forfeitures to be given to the use of the informer or informers, if the party or parties so offending shall be convicted on information; and to the use of the poor of the parish where the offence shall be committed, if the party or parties so offending shall be convicted on the view of any Inflice or Inflices of the Peace, as aforefaid: to be recovered by warrant under the hands and seals of any two Justices of the Peace for fuch parish or precinct where the offence shall be committed, by distress and sale of the goods of such offender or offenders; the overplus, if any be, to be returned to the owner or owners thereof.

Any one Juftice of the Peace, and one Veffryman, attended by a Conftable, may inspect any known bake-house, and feize fuch Bread as they in mark of weight; and the offender to forfeit sol.

III. And be it further enacted by the authority aforesaid, That the Justices of the Peace and Vestrymen in each parish, or any two of them, one of them to be a Justice of the Peace, attended by a sworn Constable of such parish, shall, and they are hereby directed, required, and empowered, once or oftener in every month, to go into any known bake-house or bake-houses, or other place where Bread is made for fale, or exposed to fale, in such parish, between the hours of fix of the clock in the morning and nine of the clock in the find deficient evening, for the purpose of weighing the loaves of Bread made at fuch bake-house; and in case such Justices and Vestrymen, or any two of them as aforesaid, shall, on inspecting and weighing the Bread made at any fuch bake-house or bake-houses, or other place where Bread is made for sale, or exposed to sale, find any Bread deficient in the mark or in the weight, according to the Affize of Bread fo to be fet as aforesaid, then, and in such case, the said Justices of the Peace and Vestrymen, or any two of them, one of whom to be a Justice of the Peace as aforefaid, are hereby directed, required, and empowered to feize all fuch Bread fo found deficient in weight in any luch d

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any fuch fuch bake-house or bake-houses as aforesaid, or other places where Bread shall be made for sale, or exposed to sale as aforesaid; and to distribute the same among the poor of such parish: And the Baker or Bakers, or other person or persons baking or making Bread for sale, or exposing Bread to sale, so found offending as aforesaid by such luftices of the Peace and Vestrymen, or any two of them, as aforefaid, shall for every such offence forfeit and pay the sum of I en Pounds to the poor of the parish where such offence shall be committed; to be recovered by warrant of two of his Majesty's Justices of the Peace of fuch parish, by distress, and sale of the goods of such person or persons so offending; the overplus, if any, to be returned to the owner thereof.

IV. And be it further enacted by the authority aforefaid, That this Continuance act, and every clause, matter, and thing therein contained, shall continue and be in force from the passing thereof, for and during and unto the full end and term of ten years, and no longer.

An Act for the better securing the Payment of Rents, and Passed the said preventing Frauds by Tenants.

THEREAS the laws now in force for security of Rents, and Acr 7. to prevent Frauds committed by Tenants, have not proved Proamble. fufficient to obtain the good ends and purposes defigned thereby, but rather the fraudulent practices of Tenants have of late years encreased, to the great damage of their Lessors and Landlords: For remedy whereof, We your Majesty's most dutiful and loyal subjects, the Afsembly of Jamaica, most humbly beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's Island of Jamaica, and it is hereby enacted by the authority of the same, I hat in case any Tenant Tenants holds or Tenants, for any term of life, lives, or years, or other person or after expirapersons who are or shall come into possession of any lands, tenements, tion of their flaves, or hereditaments, by, from, or under, or by collusion with ticein writing fuch Tenant or Tenants, shall wilfully hold over any lands, tene- given by the ments, flaves, or hereditaments, after the determination of fuch &c. to term or terms, and after demand made, and notice in writing given double Rent for delivering the possession thereof, by his or their Landlords or Lessors, or the person or persons to whom the remainder or reversion of fuch lands, tenements, flaves, or hereditaments shall belong, his or her agent or agents thereunto lawfully authorised, then and in such case such person or persons so holding over shall, for and during the

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time he, she, or they shall so hold over or keep the person or persons entitled out of possession of the said lands, tenements, slaves, or hereditaments as aforesaid, pay the person or persons so kept out of possession, their executors, administrators or assigns, at the rate of double the yearly value of the lands, tenements, flaves, or hereditaments fo detained, for fo long time as the fame are detained, to be recovered in any of his Majesty's courts of record in this island, by action of debt, wherein the defendant or defendants shall be obliged to give special bail; against the recovering of which said penalty there

shall be no relief in equity.

greement is not by deed, Rents to be recovered by an action on the cafe, and parole agrecment to be admitted in evidence of the quantum of damagee.

II. And, to obviate some difficulties that many times occur in the recovery of Rents, where the demises are not by deed, Be it fur-Where the a. ther enacted by the authority aforefaid, That from and after the thirty-first day of December, in the present year of Our Lord one thoufand feven hundred and eighty-four, it shall and may be lawful to and for the Landlord or Landlords, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements, flaves, or hereditaments, held or occupied by the defendant or defendants, in an action on the case, for the use and occupation of what was so held or enjoyed; and if in evidence, on the trial of such action, any parole demise, or any agreement (not being by deed) whereon a certain Rent was reserved, shall appear, the plaintiff in fuch action shall not therefore be non-suited, but may make use thereof as an evidence of the quantum of the damages to be recovered.

III. And whereas, where any Lessor or Landlord, having only an estate for life, in the lands, tenements, slaves, or hereditaments demised, happens to die before, or on the day on which any Rent is referved or made payable, fuch Rent, or any part thereof, is not by law recoverable by the executors or administrators of such Leffor or Landlord, nor is the person in reversion entitled thereto, any other than for the use and occupation of such lands, tenements, slaves, or hereditaments, from the death of the tenant for life; of which advantage hath been often taken by the Under-Tenants, who thereby avoid paying any thing for the same: For remedy whereof, Be it enacted by the authority aforesaid, That from and after the said thirtyfirst day of December one thousand seven hundred and eighty-four, where any Tenant for life shall happen to die before, or on the day on which any Rent was referved or made payable, upon any demife be recovered or lease of any lands, tenements, slaves, or hereditaments, which determined on the death of such Tenant for life, that the executors or administrators of such Tenant for life shall and may, in an action on the case, recover of and from such Under-Tenant or Under-Te-

Rents of lands, &c. held under a Tenant for life, in case of his death, to by his executors, &c. by an action on the cafe.

nants of fuch lands, tenements, flaves, or hereditaments, if fuch Tenant for life die on the day on which the same was made payable, the whole, or if before such day, then a proportion of such Rent, according to the time such Tenant for life lived of the last year, or quarter of a year, or other time in which the faid Rent was growing due, as aforesaid, making all just allowances, or a proportionable

part thereof respectively.

IV. And whereas great inconveniences have happened, and may happen to Landlords whose Tenants have power to determine their leases, by giving notice to quit the premises by them holden, and yet refusing to deliver up the possession, when the Landlord hath agreed with another Tenant for the same; Be it further enacted by the authority aforesaid, That from and after the said thirty-first day of De-Tenante givcember one thousand seven hundred and eighty-four, in case any ing notice of Tenant or Tenants shall give notice of his, her, or their intention quit the preto quit the premises by him, her, or them holden, at the time men-holding lontioned in such notice, and shall not accordingly deliver up the post- gerpossession, fession thereof at the time in such notice contained, that then the said Rent. Tenant or Tenants, his, her, or their executors or administrators, shall from thenceforward pay to the Landlord or Landlords, Lessor or Lessors, double the Rent or Sum which he, she, or they should otherwise have paid; to be levied, sued for, and recovered, at the fame times, and in the same manner as the single Rent or Sum before the giving such notice could be levied, sued for, or recovered; and fuch double Rent or Sum shall continue to be paid during all the time such Tenant or Tenants shall continue in possession as aforesaid.

An Ast to prevent Slaves standing charged with any Crime or Passed the sale Offence from availing themselves, on their Trials, of Manumissions granted them after the Commission of the Crime or Offence for which they fland fo charged.

THEREAS by an act entitled, " An Act for making free Ne- AcT 8. groes, Indians, and Mulattoes, Evidence in all Caufes against Preamble. one another, in all the Courts of this Island," it is among other things enacted, that so much and such part of the act of the Governor, Council, and Assembly of this island, entitled, " An Act for the better Urder and Government of Slaves," which subjects Negroes born Slaves, and afterwards manumitted, to be tried, for any crimes, by two Justices of the Peace and three Freeholders, be and stand repealed;

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and that, for the future, all fuch Negroes, Indians, or Mulattees. 1784. who had been or should be manumitted by their masters, or otherwife, should be tried for all offences in the same manner as if they were born free.

II. And whereas, fince the passing of the faid Act, it hath happened that Slaves, after the commission of crimes, have been manumitted by their owners: And whereas doubts have been entertained whether Slaves so manumitted can be tried in the manner Slaves are directed to be tried under the laws of this island: For remedy whereof, Be it enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's Island of Jamaica, and it is bereby enasted by the authority of the same, That, from and after the passing of this act, no Negro, Mulatto, or other Slave or Slaves hereafter to be manuflon of crimes, mitted, being a Slave or Slaves at the time of the commission of any crime or offence whatfover, for which he, she, or they shall stand charged, shall be tried and adjudged in any other manner and form than fuch in which Slaves are, by the laws of this island, directed to be tried; nor shall any Negro, Mulatto, or other Slave or Slaves, hereafter to be manumitted, derive, receive, or be allowed any benefit or advantage whatfoever, on his, her, or their trial or trials, for or in respect of any Manumission or Manumissions, purporting to be granted to him, her, or them, by his, her, or their owner or owners; unless it shall be fully proved at such trial or trials by such Slave or Slaves manumitted, or pretending so to be, that the Manumission or Manumissions of which he, she, or they would avail him, her, or themselves, was or were actually executed and recorded in the office of the Secretary of this island; and a certificate thereof granted by the Commander-in-Chief of the faid island for the time being, prior to the time of the commission of the crime or offence with which fuch Slave or Slaves manumitted, or pretending so to be, shall stand charged: Provided always, That fuch Slave or Slaves manumitted, or pretending fo to be, be charged with fuch crime or offence within three months next from and after the commission of any such crime or offence as aforefaid; any thing in the faid in-part-recited law, or

Slaves manumitted after the commifto be tried as Shaves ;

provided they be charged therewith within Three Months from the time fuch offence shall have been committed.

Passed heard An Act to enable the Provost-Marshal to assign Bail-Bonds. of December.

in any other law, to the contrary in anywise notwithstanding.

ACT 9. Preamble.

HEREAS in cases of Arrest upon mesne process for debt, the Provost-Marshal doth usually take bail from the defendant by Bond, to appear and answer: And whereas it is expedient that, upon forfeiture of fuch Bail-Bonds, the Provost-Marthal should be empowered ACT 9.

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empowered to affign the same to the plaintiff or plaintiffs in the said Arrests, so that actions may be brought thereon in the name or names of such plaintiff or plaintiffs: Be it therefore enacted, by the Lieutepant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is bereby enacted by the authority of the same, That from and after the first day of January, which will be in the The Provonyear of Our Lord one thousand seven hundred and eighty-five, in Marshal, takevery case of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing out of the cases of Arrest upon mesne process for debt, issuing the case of Arrest upon mesne process for debt, issuing the case of Arrest upon mesne process for debt, issuing the case of Arrest upon mesne process for debt, issuing the case of the Supreme Court of Judicature of this island, where the Provost-Mar- to assign the shal shall take Bail by Bond for the defendant's appearance to answer, Bonds to the and such Bond shall become forfeited, the Provost-Marshal shall where the assign such Bond unto the plaintiff or plaintiffs, at whose suit the fame shall be come forseitwrit of Arrest shall have issued, by subscribing his name, in the pre-ed. fence of one witness, to an Affignment indorfed upon such Bond; and which Affignment shall be in the form following:

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"I DO hereby assign the within Bond unto according to an act of the Lieutenant-Governor, Council, and Assignment. "Assembly of this island, in such case lately made and provided;"

and that such assignce or assignces, his or their executors or admini- Assgnee, &c. strators, may bring action against the Bail thereupon, in his or their may bring acown name of names; and, having obtained judgment, may mark, the Bail, mark or cause to be marked on the writ of execution, a levy for the debt his ownname. and costs; and on writs of venditioni exponas, to be thereupon issued, fuch levy as he or they may be entitled to, to mark on writs to be issued on the judgment in the original Action, and also a further levy for the costs of the action upon the Bail-Bond: Provided always, That if the defendant in the original Action shall, at any time be- Proviso. fore judgment obtained on the Bail-Bond, appear and give bail, by manucaption, to answer the condemnation, with costs, in case of judgment upon the original Action, the Bail-Bond shall become No writ of void, and the action or actions (if any) thereupon brought, be discon-venditioni to tinued, upon payment of the costs thereof: Provided always, That it Bond, notil shall not be lawful to iffue any writ of venditioni exponas on a judg-judgment had ment on a Bail-Bond, until judgment shall have been previously had nal action. in the original Action.

II. And whereas, fince the thirteenth day of February, which was in the year of Our Lord one thousand seven hundred and seventy-four, divers Bail-Bonds have been affigned, and actions thereupon brought, and judgments had thereon under a misconception that the of Affiguract of the Governor, Council, and Assembly of this island, then ments and made, respecting the Assignment of certain choses in action therein made and ob-

Confirmation

mentioned

tained, previous to the

mentioned extended to Bail-Bonds; Be it therefore further enacted. by the Lieutenant-Governor, Council, and Assembly of the said Island, and it is hereby enacted by the authority of the same, That from passing of this and after the passing of this act, no such Judgment shall at any time be reversed, or in anywise impeached for such error therein.

Paffed the 23d

of December. An Act for the more easy Redemption and Foreclosure of Mortgages; and to oblige Mortgagees in Possession to record Accounts of Sales of the annual Crops, and Accounts current respecting the same.

ACT 10. Preamble.

THEREAS Mortgagees frequently bring actions of ejectment and replevin for the recovery of lands, flaves, and estates. to them mortgaged; and bring actions on bonds given by Mortgagors, to pay the money fecured by fuch Mortgages, and for performing the covenants therein contained; and likewife commence fuits in his Majesty's Court of Chancery of this island, to foreclose their Mortgagors from redeeming their estates; and the courts of law. where fuch ejectments and replevins are to be tried, have not power to compel such Mortgagees to accept the principal monies and interest due on such Mortgages and costs, or to stay such Mortgagees from proceeding to judgment and execution in fuch actions; but fuch Mortgagors must have recourse to a Court of Equity for that purpose, which doth not give relief until the hearing of the cause: For remedy thereof, and to obviate all objections relating to the same, Be it enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's Island of Jamaica, and it is hereby enacted by the authority of the same, That from and after the first day of January, one thousand seven hundred and eighty-five, where any action shall be brought on any bond for payment of the money secured by such Chancery for Mortgage, or performance of the covenants therein contained; or where any action of ejectment or replevin shall be brought in any of his Majesty's Courts of Record of this Island by any Mortgagee or Mortgagees, his, her, or their heirs, executors, administrators, or affigns, for the recovery of the possession of any mortgaged lands, flaves, tenements, or hereditaments, and no fuit shall be then deto the Mortga- pending in his Majesty's Court of Chancery of this island, for or cipal money, touching the foreclosing or redeeming of such mortgaged lands, &c. andinease slaves, tenements, or hereditaments, if the person or persons having fal, by paying right to redeem such mortgaged lands, slaves, tenements, or hereditaments,

Actions brought by Mortgagees, and no fuit depending in the Court of foreclofing or redeemingthe mortgaged premifes, if the defendents fhall, pending fuch actions, pay gee the prind

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taments, and who shall appear and become defendant or defendants in fuch action, shall at any time pending such action, pay unto such Mortgagee or Mortgagees, his, her, or their lawful attorney or at-court; the tornies, or in case of his, her, or their refusal, shall bring into Mortgage is court where such action shall be depending, all the principal monies charged. and interest due on such Mortgage; and also all such costs as have been expended in any fuit or fuits at law, or in equity, upon fuch Mortgage; (fuch money for principal, interest, and costs, to be afcertained and computed by the court where such action is or shall be depending, or by the proper officer by such court to be appointed for that purpose); the monies so paid to such Mortgagee or Mortgagees, or brought into fuch court, shall be deemed and taken to be in full satisfaction and discharge of such Mortgage; and the court shall and may discharge every such Mortgagor, or defendant, of and from the fame accordingly; and shall and may, by rule or rules of the fame court, compel such Mortgagee or Mortgagees, his, her, or their attorney or attornies, at the costs and charges of such Mortgagor or Mortgagors, to affign, furrender, or re-convey such mortgaged lands, flaves, tenements, and hereditaments, and such estate and interest as such Mortgagee or Mortgagees hath or have therein; and deliver up all deeds, evidences, and writings, in his, her, or their custody, relating to the title of such mortgaged lands, slaves, tenements, and hereditaments, unto fuch Mortgagor or Mortgagors who shall have paid or brought such monies into the court, his, her, or their heirs, executors, or administrators; or to such other person or persons as he, she, or they shall for that purpose nominate and ap-

II. And be it further enacted by the authority aforefaid, That, from Bills filed for and after the faid first day of January one thousand seven hundred and payment of eighty-five, where any bill or bills, suit or suits, shall be filed, com-monies due on Mortgages, menced, or brought in the faid Court of Chancery, by any person &c.and, indeor persons having or claiming any estate, right, or interest in any fault of payment, to forelands, flaves, tenements, or hereditaments, under and by virtue of close the deany Mortgage or Mortgages thereof, to compel the defendant or de- equity of refendants in such suit or suits having or claiming a right to redeem the deeming; the fame) to pay the plaintiff or plaintiffs in such suit or suits the prin- plication by cipal money and interest due on any such Mortgage; or the principal the defendant money and interest due on such Mortgage, together with any sum be brought to or fums of money due on any incumbrance or specialty, charged or a hearing, may make chargeable on the equity of redemption thereof; and, in default of such order payment thereof, to foreclose such defendant or defendants of his, might have her, or their right or equity of redeeming fuch mortgaged lands, been made if flaves, tenements, or hereditaments, fuch Court of Chancery, on been regular-

application ly brought to

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application made by the defendant or defendants in fuch fuit, having a right to redeem such mortgaged lands, slaves, tenements, or hereditaments, and upon his or their admitting the right and title of the plaintiff or plaintiffs in such suit, may and shall, at any time or times before fuch fuit or cause shall be brought to hearing, make such order or decree therein as fuch Court might have made therein, in case fuch fuit or cause had then been regularly brought to hearing before fuch Court; and all parties to fuch fuit or fuits shall be bound by fuch order or decree so made, to all intents and purposes as if such order or decree had been made by fuch court, at or subsequent to the hearing of such cause or suit; any usage to the contrary thereof in anywise notwithstanding: Provided always, That this act, or any thing herein contained, shall not extend to any case where the perfon or persons, against whom the redemption is or shall be prayed, shall by writing under his or their hands, or the hand of his, her, or their attorney, agent, or folicitor, to be delivered before the money shall be brought into such court at law to the attorney or solicitor for the other fide, infift either that the party praying a redemption has not a right to redeem, or that the premites are chargeable with other or different principal sums than what appear on the face of the Mortgage, or shall be admitted on the other fide, nor to any case where the right of redemption to the mortgaged lands, flaves, tenements and hereditaments in question, in any cause or suit, shall be controverted or questioned by or between different defendants in the same cause or suit; nor shall be any prejudice to any subsequent Mortgage or Mortgages, or subsequent incumbrances; any thing in this act contained to the contrary thereof in anywise notwithstanding.

III. And whereas, it is a practice among Mortgagees in possession, or their attornies, to record the crops only of such mortgaged properties, without specifying the nett proceeds of such crops, or how much of them are really applicable to the discharge of their said Mortgages; whereby the sums of money really due upon such Mortgages are kept undiscovered, to the great injury of the Mortgagor and his general creditors: For remedy whereof, be it surther enacted,

Mortgagees in possession shall be henceforth obliged, under penalty of cord, upon oath, the whole accounts, giving credit for the nett product of the state of the

Mortgages: which said penalty shall be recoverable in the Supreme

Mortgagees in possession shall be henceforth obliged, unobliged, under the penalty of Five Hundred Pounds for every omission, to reder penalty of cord, upon oath, the whole accounts, giving credit for the nett prosolutorecord upon oath acceeds of every crop, within Eighteen Months after they have recounts of the corded the said crops; as well of the sales of the annual crop, as of
of every crop, the accounts current respecting the same; and to state how much of

Court of Judicature of this island, by action of debt; one moiety thereof

thereof to the use of the informer, and the other moiety to his Majesty, his heirs and successors, for the purposes of the government of this illand.

An AEt to ascertain by whom and in what manner Dividing-Passed the 23d of December. Fences shall be made and kept up.

THEREAS it is necessary, and would tend very much to the ACTII. promotion of good neighbourhood, to afcertain by whom Preamble. good and sufficient Dividing-Fences should be made and kept in order; We, your Mijesty's most dutiful and loyal subjects, the Assembly of this Island, beseech your Majesty that it may be enacted; Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, That, from and after the thirty-first day of December, in the Persons may present year of Our Lord one thousand seven hundred and eighty- neighbours to four, it shall and may be lawful for all or every person or persons, affit in making or repairpossessed of a settlement which has no Dividing-Fences, or insuffi- ing Dividingcient ones, to require his adjoining neighbour, his or her Guardian Fences. or Attorney, on that part where such Fences are wanted between them, to affift, in equitable proportion, to make or repair any or all

the Dividing-Fences between them.

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II. And be it further enacted, That in case any such neighbour In case of nonshall refuse to comply with the requisition abovementioned, then it compliance with such reshall and may be lawful for such person so requiring to apply to any quistion, ap-Magistrate, to issue his warrant to summon three neighbouring Free- plication to be made to a holders, as a Jury, to ascertain the propriety of the requisition for a magistrate to Fence, and what fort of Fence would be most proper for the situa- raut for sumtion; or, if an old one, what repairs are necessary; and, having moning a Juviewed the premises, to make due return thereof to the said Magis-ascertain the trate; that then it shall and may be lawful for such person or persons propriety of the same, fix so requiring as aforefuld, under the order of the said Magistrate, to the price, and proceed in laying out, making, or repairing the faid Fence or Fences, apportionate the expenceto agreeably to the return of the Jury beforementioned; and that, when each party. the work is completed, a Jury of three as aforesaid be summoned to fix the price thereof, and to consider the particular convenience that such Fence or Fences may be to either party; and, if they find it more beneficial to one party than to the other, that then they regulate the proportions of expence accordingly; and, in case of refusal of either party to pay such proportion of the expence, it shall and may be lawful for the faid Magistrate, in case of such refusal

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having been declared to him upon oath, to iffue his warrant of dif. tress, to compel the payment thereof, by the sale of goods and chattels of the offender; and, if any overplus, to return it to fuch offender, after having deducted all charges attending the fale.

Regulations respecting gates conned-, ing proper-

III. And be it further enacted, That all gates croffing public roads connecting pen and fugar properties, that the faid gates be erected. and kept in repair, by persons having charge or care of the said pen; and that a watchman be kept by persons having charge or care of sugar estates; and in all cases of gates connecting other settlements, and concerning which there may be any dispute, the regulation of the gates and the watchmen be fixed by Jury, as aforementioned in the case of Fences.

of.December.

Passed the 23d An Act for the further Regulation of the Service and Execution of Process, and the Returns thereof, and rendering the Duty of Jurors more equal; for empowering the Supreme Court of Judicature to grant special Juries, and also Commissions for the Examination of Witnesses de bene ese, directed to such Persons as they shall think fit; for repealing an Act passed in the Year of Our Lord one thoufand seven hundred and seventy-nine, entitled, " An Ad empowering any one of the Judges of the Supreme Court of Judicature to take the Examination of Witnesses leaving this Island, in any Action brought, or to be brought, for the Recovery of Debts actually in Suit, in the same Manner as if such Examinations had been taken and returned under the Seal of the City of London, pursuant to an Act of Parliament passed in the fifth Year of the Reign of George the Second," and for empowering the Judges of the faid Supreme Court of Judicature, to take the Examination of Witneffes leaving the Island, during the Vacation between the Sitting of the Said Supreme Court; for granting a daily Subfistence to Crown Witnesses confined in Gaol for Want of Security; and for other Purposes in the faid Act mentioned. WHEREAS,

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THEREAS, for want of proper regulations, very great inconveniencies and mischiefs arise from the non-execution and non-service of actions, warrants, writs of scire facias, execution, and ACT 12. venditioni, and other Process, mesne and judicial, through the neg- Preamble. lect, wilful default, corruption, and connivance of the Deputy-Marshals acting under the Provost-Marshal-General, in their several diftricts: And, as no Process of outlawry hath ever been in use in this island, to compel persons to appear and answer in any causes criminal or civil, there is a stronger necessity for a careful and diligent service and execution of actions, writs, and warrants for that purpose. And whereas divers other regulations are necessary for making the Process of the law more effectual and beneficial to the public, and with regard to the execution of writs of partition, and return of Jurors to ferve in the Supreme Court of Judicature of this island, and Courts of Affize; may it please your Majesty that it may be enasted; And be it enacted by the Lieutenant-Governor, Council, and Affembly, That where any action, warrant, writ of scire facias, execution, or Deputy-Marvenditioni, or any precept thereon, is delivered or fent by the Provost- proceed in Marshal-General of this island to any of his deputies, in order that making Rehe should serve or execute the same, such Deputy-Marshal shall re-actions, &c. turn fuch action, warrant, writ of seire facias, execution, or vendi- fent them by tioni, or the precept thereon, in convenient time for returning the Marshal to same to the Provost-Marshal-General; and if it shall happen that ferre or exesuch Deputy-Marshal hath not served or executed the same, but shall return Process, Non est Inventus, or Tarde, or any other return, to any action, warrant, or scire facias, fignifying the same hath not been ferved or executed, or Nulla Bona to any writ of execution or In ease they venditioni, or precept thereon, so delivered or sent to him as afore- cess, &c. to faid, fuch Deputy-Marshal is hereby required and directed, with add particuevery such return, to add and express in writing on the back of such writing for action, warrant, or scire facias, execution, venditioni, or precept, or making such in a particular schedule to be annexed to the same, the particular reasons for making such returns, in some such manner and form as follows, viz. in case an action, warrant or scire facias, or precept thereon, be returned Process, Tarde, or Non est Inventus, " That the " within, or annexed, action or fummons, warrant, writ, or precept " thereon, came to his hands but days (expressing the num-" ber) before the return; that it was impracticable for him, for that " reason, to serve, or cause the same to be served, the defendant livmiles by computation from his the faid deputy's refidence " (if this shall be the case, otherwise such reasons to be expressed,

" as the truth shall be), and is the cause of making such return:"

F. 2.

And!

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And in case of Nulla Bona returned by such Deputy-Marshal, he shall then add, return, and express his particular reasons, in writing, for making that return, on the back of such execution or venditioni, or precept thereon, in manner and form as follows, viz. "That the defendant hath no negroes, goods or chattels in his dif-" trict, to his knowledge, or which he hath received information " of, whereupon he could make a levy, as required by the faid writ " or precept;" Or, " That the defendant (if the case so shall be), on " his the faid deputy's going to his faid plantation or dwelling, stood " on his defence, so that he could not execute such writ or precept;" or return such other particular reasons, as the truth shall be, of the cause of not executing such writ or precept, and of his making of such return, according to the true intent and meaning of this act. And the Provost-Marshal-General is hereby also directed and required, in all cases where he shall return Process, Tarde, Non est Inventus, or Nulla Bona, to any actions, warrants, writs of scire facias, execution, or venditioni, (if the same, or any precept thereon, shall have been delivered or fent to any deputy to ferve or execute) carefully to file the Deputy-Marshal's reasons, so to be returned as aforesaid, of his the faid deputy's return, and for not ferving or executing the fame; which reasons, so filed, are to remain records, free for the inspection and examination of all persons who shall defire to see the same; and that, upon complaint, the same or any of them be produced by the Provost-Marshal-General in court, whenever any order of the court shall be made for that purpose, that it may appear to the court that fuch return and non-fervice, or non-execution, was not through the wilful default, neglect, corruption or connivance of the Deputy-Marshal, who otherwise ought to have served or executed the same: And each and every Deputy-Marshal is hereby required to make oath in the Supreme Court of Judicature, of the truth of fuch reasons he shall add, return, and express in writing with his particular re-Court to the turn of Process, Tarde, Non est Inventus, or Nulla Bona, to the Provost-Marshal-General, on such actions, warrants, writs of scire facias, execution, or venditioni, as he shall have had delivered or fent to him, and which he was not able to serve or execute, for such rea-

fhal returning Process, &c. to any aclions, &c. to file the Deptity-Marshal's reafons for not executing the fame :

Provoft-Mar-

To be produced by him moon complaint into Court.

Deputy-Marshal to make oath in the Supreme Court to the reasons.

Provoft-Marpublic regifvice, &c.

are duly served.

II. And be it further enacted by the authority aforesaid, That the thal to keep a Provost-Marshal-General for the time being shall keep a particular ter of all ac- book or register of all actions delivered in his office for service, and tions, &c. de- of all bench warrants, and warrants from the Chief Justice, or any office for fer- other of the Justices of the Supreme Court and the Attorney-Gene-

fons so to be returned as aforesaid, in the same manner the Deputy-Marshals make oath of the truth of the returns to such actions which

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ral, and of all writs whatfoever, mesne or judicial, in which the 1784. names of the defendants shall be first entered in an alphabetical manner, and then the names of the plaintiff or plaintiffs, together with the day when such action or summons, warrant or writ, was lodged in the faid office; which faid register is to be free and open for the inspection of all persons.

III. And be it further enacted by the authority aforesaid, That the Fees of the Provost-Marshal-General shall be paid and allowed as a fee on exe- thal for every cuting every bench warrant, or warrant of the Chief Justice, or any bench warother of the Justices of the Supreme Court, or of the Attorney-General, the sum of Twenty Shillings, together with mile-money, at the rate of One Shilling per mile for the first twenty miles, and fix-

pence per mile for every mile above twenty.

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IV. And be it further enacted by the authority aforesaid, That the Penalty and Deputy-Marshals, in their several districts, do use their utmost dili- punishment gence in the legal and due service and execution of all actions, war- Marshale for rants, precepts, and process whatsoever, that shall be delivered or fent gross neglect to them by the Provost-Marshal-General; and in case of any gross default, corneglect of their duty, default, corruption, or connivance, in or concerning the non-service and non-execution of the premises, the same Deputy-Marbeing made appear to the faid Supreme Court against either of them, ed from their the same Court, on consideration had, shall, in such cases as shall supreme be judged deserving of it, impose a fine not exceeding Twenty Pounds Court, renfor every particular offence, or dismiss such deputy from his service ble of serving under the Provost-Marshal-General in that capacity; and such depu- again as Dety, so dismissed, is hereby rendered incapable of serving as a Depu-shals, without ty-Marshal again, unless by the permission of the Supreme Court leave of the first had and obtained, and entered of record by the Clerk of the court. Crown in the faid Court.

V. And be it further enacted by the authority aforesaid, That from Writs of exeand after the passing of this act, upon any writ or writs of execu- cution being tion being lodged in the office of the Provost-Marshal of this island, Provost-Marhe shall iffue precepts upon each and every such execution or execu- he shall iffue tions to his deputy or deputies, who shall duly execute the same precepts to upon the defendant or defendants in such writ or writs, by giving due who shall duly notice in writing to such defendant or defendants, or leaving such execute the written notice at his, her, or their places of abode, otherwise such writ or writs of execution so lodged in the said office shall be returned Nulla Bona, and no writ of venditioni exponas shall be suffered to isfue thereon; any thing in this, or any other act, to the contrary in anywise notwithstanding.

VI. And be it further enacted by the authority aforefaid, That the Provost-Mar-Provost-Marshal-General do deliver to the Attorney-General and Re- to the Attor-

ruption, &c.

ceiver- ney and Re-

ACT 12.

1784. ceiver General, once in every Supreme Court, true lifts of all actions, &c.

ceiver-General, the second Wednesday in every Supreme Court, 2 true list of all actions, writs, and process lodged in his office, with a copy of the return made to each of them in the faid Court, and of all fines and monies received by him, in which his Majesty and the revenue of this island are anyways interested or entitled, either in the whole or any part thereof, and not before delivered in to the Attorney-General and Receiver-General.

Monies levied by virtne of writs iffned, prior ones lodged in his office, the Provoft-Mardal to make back of the writs, &c.

VII. And be it further enacted by the authority aforefaid, That when any writ of venditioni exponas shall be sued out, and lodged with and subject to the Provost-Marshal-General, and the debt or damages therein mentioned, or any part thereof, shall be levied on the negroes, goods, and chattels of the defendant, according to the exigency of such writ, the Provost-Marshal-General is hereby directed and required to make returns on the return to the same, either on the back of the said writ, or in a schedule to be thereunto annexed, of what money in particular he has levied by virtue of that writ: and if there shall be any writ or writs of execution and venditioni lodged in his office, for the satisfaction whereof the monies fo levied on fuch venditioni ought to be applied, according to their legal priority, that then, and in fuch cafe, the Provost-Marshal-General is hereby directed and required to specify particularly in the faid return, all and every fuch prior writ or writs of execution and venditioni, expressing therein the plaintiffs' names, and the feveral fums directed to be levied, according to their respective priorities; for which return the faid Provost-Marshal-General shall be paid and allowed the sum of five shillings; and where any person shall have lodged any writ or writs of execution or venditioni in the Provost-Marshal General's office, and shall afterwards receive payment or fatisfaction for the debts or damages mentioned in fuch writs, or any part of the same, from the defendant, or any other wards receive person on his behalf, such person, his substitute or attorney, having authority to receive the same, is hereby required, in the space of two months after fuch payment or fatisfaction, to certify the same to the Provost-Marshal-General; who shall enter the same in his books, in

Perfons having lodged writs in the Provoft-Marfhal's office, for which they afterpayment, to certify the fame to the Provoft-Marshal, who mall enter it in his books, &c.

as fuch payment shall be. VIII. And whereas, for want of proper lists of the freeholders and others, who are fit and qualified to serve on Juries in the said Supreme Court of Judicature, and Courts of Affize, great numbers of persons, who ought, and by law are liable, to ferve, are never returned for that purpose, whereby the duty is become very unequal, and frequently falls, more especially as to the Petit Jury, on many persons who are incapable of such a service, from the straitness of their circumstances, without prejudice to their families; and sometimes on such

discharge of such writ or writs, in part or in the whole, according

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who are even under the necessity of applying for protections, to enable them with freedom to pass as Jurors in all causes of the crown, and between party and party, and to be determined in the faid Courts. For the prevention whereof, Be it further enacted by the authority aforefaid, That the Justices and Vestry in every parish, and in Justices and those parishes where there is no Vestry, the Justices, and in those year between parishes where there are no Justices, the Vestrymen, once every year, the sit of Javiz. between the first day of January and the twenty fifth day of asth of March, in every year, do cause an exhibit-list to be made by the March, to Clerk of the Vestry, or by the Clerk of the Peace of any parish cular lift to be where there is no Clerk of the Vestry attending them, of all persons made by the inhabiting in their respective parishes, freeholders, and others, (in Vetry, of all which the faid Justices and Vestrymen are to be included,) diftin-the Freehold-ers (including guishing the several occupations, professions, and offices, and each themselves)in of them; in order that all persons not exempted by law may be re-tive parishes: turned to serve on Juries. And, to the intent that the same may be rendered a more equal duty than it has hitherto been, and that the Justices and Vestries, and Justices where there is no Vestry, and the Vestrymen where there are no Justices, do subscribe such list, together with a duplicate thereof; and that they transmit the same, with which they the duplicate, to the Chief-Justice of this island, by the said twenty- are to subfifth day of March, in every year; which duplicates are to be fent to ther with a the Provost-Marshal-General, and the original lists, or duplicates duplicates transmit the thereof, to be filed in the office of the Clerk of the faid Supreme same to the Court; and, after the receipt of the faid original lifts or duplicates, Chief-Justice. the Provost-Marshal-General is hereby directed and required to form Provost-Marhis pannels of Jurors, to be returned at every Supreme Court of his pannels Judicature, or Court of Assize, on the general writs of venire facias, of Jurors, therefrom. directed to him in such manner and form, that the services on Juries may be rendered as equal as may be, to all persons so to be returned in the lists and duplicates thereof as aforesaid.

IX. And whereas delay of Justice and many inconveniences have justices on arisen in the Courts of Quarter-Sessions and Common Pleas, in the issuing warseveral parishes and precincts in this island, by the Provost-Marshal's quarterly givreturning on the venire persons under age, indented servants, and ings-in, to diothers unqualified to serve as Jurors in the said Courts; Be it enacted the life of the by the authority aforesaid, That the Justices of the Peace in the seve- white persons to be given-in, ral parishes in this island, on issuing the warrants for the quarterly mall be diffingivings-in, shall particularly direct, that, in the lifts of the white as are minors persons so to be given-in, it shall be distinguished who are minors or or indented indented servants; and that the Clerk of the Vestry of each parish which lift to shall, within twenty days after each quarterly giving-in, transmit a be transmitlist of all the white people (except such minors or indented servants) Proved Mar-

to the Provost-Marshal, in order that effective Jurors may be by him returned to the faid Courts.

No person to be exempted from ferving on Juries on account of any office, except Members of the Council, or those who have executed the office of Chief Juf-

X. And whereas divers persons have set up pretentions, under sundry commissions and appointments to offices, and also under pretence of having heretofore served and executed the same, to be exempted from ferving on Juries; Be it enacted by the authority aforefaid, That no person whatsoever shall be exempted from serving on Juries on account of any commission, or appointment to any office whatsoever, or having heretofore executed the fame, unless in such cases the laws of that part of Great-Britain called England authorise exemption; the members of His Majesty's Council for the time being, or persons who have executed the office of Chief-Justice only excepted.

Supreme-Court empowered to grant special Jurice.

XI. And whereas some doubts have been conceived touching the power of the Supreme Court of Judicature, to grant special Juries for the trial of iffues in causes or suits in the said Court, and also in the Courts of Assize; Be it therefore enacted by the authority aforefaid, That, from and after the passing of this act, it shall and may be lawful to and for the faid Supreme Court of Judicature, on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending or to be brought in the faid Court, and to be tried in that Court, or in either of the Courts of Affize; and the faid Supreme Court is hereby authorifed and required, upon motion as aforesaid, to order and direct a special Jury to be struck for the trial of any iffue joined in any such action, cause, or fuit, and triable by a Jury of twelve men, in fuch manner as special Juries have been and are usually struck upon trials in the faid Courts; which Jury fo struck as aforesaid shall be the Jury returned for the trial of the faid iffue.

Party applycial Jury to bear the exfame, unlefs the Court shall certify that the Caufe be fo tried.

XII. And be it enacted by the authority aforefaid, That the person ing for a spe- or party who shall apply for a special Jury, shall bear and pay the fees for striking such Jury, and all the expences occasioned by the pence of the trial of the cause by such special Jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be entitled unto in case the cause had been was proper to tried by a common Jury, unless the Judges or Justices before whom the cause is tried shall, immediately after the trial, certify in open court under their hands, upon the back of the record, that the fame was a cause proper to be tried by a special Jury.

Special Jurors to be allowed 11. 125. 6d. cach.

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XIII. And be it enacted by the authority aforesaid, That every perfon who shall serve upon any special Jury, shall be allowed for serving on fuch Jury the fum of One Pound Twelve Shillings and Sixpence, and no more, to be paid him by the person or party applying for fuch special Jury.

XIV. And

XIV. And whereas it would tend much to the furtherance of justice, if the Judges of the Supreme Court of Judicature were authorised to grant commissions for the examinations of witnesses de bene esfe, in causes depending in the said Court, directed to other persons befides the Judges of the faid Court, it frequently happening that causes are delayed, and the benefit of the testimony of material witnesses fometimes loft, where such witnesses are very aged and infirm, and happen to refide at a very great distance from a Judge of the said Supreme Court; for remedy whereof in future, Be it enacted by the authority aforesaid, That, from and after the passing of this Act, the Judges of the Judges of the faid Supreme Court of Judicature be, and they are Supreme hereby authorised and empowered in all causes whatsoever, depending rised to grant or to be brought in the faid court, where they shall think proper to commissions to any persons, grant a commission for the examination of witnesses de bene esfe, at for examinathe instance either of the plaintiff or defendant, to cause such com- tion of witmission to be directed to such person or persons as they shall see fit; the said and the examination of any witness or witnesses taken under such causes depencommission shall, in all cases, be as valid and effectual in the law, as ding therein. if the faid commission had been directed to all or any of the Judges of the faid court, and the examinations of the witnesses taken before them, or any of them; any law, custom, or usage, to the contrary thereof in any wife notwithstanding.

XV. And whereas an act, passed in the year of Our Lord one thousand seven hundred and seventy-nine, entitled, " An Act empowering any one of the Judges of the Supreme Court of Judicature Act 69, vol. to take the examination of witnesses leaving this island, in any action arned brought or to be brought for the recovery of debts actually in fuit, in be same manner as if such examination bad been taken and returned under the seal of the city of London, pursuant to an Act of Parliament passed in the fifth year of the reign of George the second," is found to be defective and insufficient; Be it therefore enacted by the authority aforesaid, That the aforesaid act, passed in the said year of Our Lord one thousand seven hundred and seventy-nine, be, and the same is hereby repealed and made void, to all intents and purposes.

XVI. And whereas many difficulties have been and may be occasioned, in the recovery of lands, tenements, slaves, and debts, by witnesses going off this island during the vacation, between the refpective times of the fitting of the said Supreme Court of Judicature, when commissions cannot be obtained for the examination of such witnesses; for remedy whereof, Be it enacted by the authority aforefaid, That, from and after the passing of this Act, it shall and may Judges of the be lawful to and for any Judge of the faid Supreme Court, at any Supreme time during such vacation, to take the examination, upon oath, of the vacation,

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Provided, afadavit be made that fuch perfon is a material witness.

Provife: ferved with a notice under hand and feal of the Judge. Notice to be ferved on the other party 48 hours before the examinagion.

as of full force

Witnels neglecting or refufing to appear, or to be examined ing, to forfeit 300/-

any person going off this island, (or if such person be of the people called Quakers, then upon his or her folemn affirmation) who shall be brought before him as a witness in any cause, suit, or action, depending or to be brought in the faid Supreme Court, for the recovery of any lands, tenements, or flaves, debts upon bond, bill, promiffory note, book-debt, open account, or for any other matter or thing whatfoever: Provided always, I hat affidavit be first made before the faid Judge (the plaintiff's action or declaration being then actually filed in the office of the Clerk of the faid Court), that the person so intended to be examined is a material witness on the part and behalf of the party defirous of having him examined; and that fuch person is, as the party applying hath been informed, and verily believes. to depart this island before the fitting of the then next Supreme Court of Judicature. And provided also, That the person so to be examined Witness to be be duly served with a notice in writing, under the hand and seal of the faid Judge, requiring the faid witness to attend him for that purpose, at such time and place as the said Judge shall therein appoint And that the faid Judge do iffue a notice in writing, to be ferved on the other party, whether plaintiff or defendant, plaintiffs or defendant, dants; and in the case of an ejectment, where no plea is entered, or the tenant or tenants in possession, if resident in this island, or if abfent therefrom, upon his, her, or their attorney or attornies, specifying the time and place appointed for taking such examination which notice shall be served at least forty-eight hours before the time of taking such examination, in order that the party may have an opportunity to cross-examine such witness. Which examination, or such examin- proof made at the trial of the cause that such person is then dead, of proof, &c. to gone off the island, shall in every such action, cause, or suit, be allowed to be of the same force and effect, as if the person so examine and validity. as aforefaid had appeared at the trial, and fworn or affirmed to the matters contained in fuch examination, viva voce, in open Court, o as if such examination had been taken by virtue of, and under a com mission issued out of the said Supreme Court, for the examination

witnesses de bene este, or otherwise, in the said cause. XVII. And be it enacted by the authority aforesaid, That in cal any person, served with a notice in writing, under the hand and sea of a Judge of the faid Supreme Court of Judicature, requiring his appearance before him to be examined as a witness in any cause, when appear fuch time and place as shall be appointed in such notice, shall negled or refuse to obey such notice, or appearing shall refuse to be exa mined, the persons so offending, in either of the said cases, shall for feit the sum of One Hundred Pounds, to be recovered in the said Su preme Court of Judicature, by action of debt, bill, plaint, or infor-

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inforlation, mation, wherein no effoign, protection, wager of law, or injunction, shall be granted or allowed, or Non vult ulterius projequi be entered; one moiety whereof shall be to the use of his Majesty, his heirs and fucceffors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties injured, who shall fue for the same.

XVIII. And be it further enacted by the authority aforefaid, That Witnesses so any person or persons convicted in the said Supreme Court of Judi- examined, convicted of cature, or in either of the Courts of Affize, of wilful and corrupt wilful and perjury in any examination or examinations so to be taken upon oath jury, to be or affirmation as aforesaid, or under any commission de bene esse, to punished as be issued under this act, in manner herein before directed, he, the, rects in other or they shall be punished as persons convicted of wilful and corrupt cases. perjury; any law, custom, or usage to the contrary thereof in anywife notwithstanding.

XIX. And whereas the Provost-Marshal-General is bound by law, on all writs of partition, to go in his own proper person to the lands, tenements, and premises to be divided, to make such partition in manner and form as the law requires; which, from the extent of this island, is not practicable for him to do; and, when such partitions are made by his deputies, the same are liable, for that reason, to be set aside, to the great vexation of divers joint tenants, and tenants in common, who have already fued for a partition, or shall hereafter fue for that purpose: For remedy whereof, Be it further enacted by the authority aforesaid, That all partitions to be made by writ, where the In all cases of Provoît-Marshal-General cannot attend in person, pursuant to the partition to be made by judgment in partition, and the exigency of the writ that issues there- writ, where on, he shall appoint, by warrant under his hand and seal, some pro- the Provot-Marshal canper person residing in the parish, or near where the lands, tenements, not attend in and premises shall lie, to make partition in his place and stead be- may depute tween the parties, in the presence of any one or more Justices of the some proper Peace, who shall attend for that purpose, at the instance and request thall make of either of the parties between whom the faid partition is to be partition in the prefence made; which partition to be thereon made, shall be good and effec- of one or tual in law, and final judgment shall be given thereon; the Provost- more Justices, Marshal returning such writ, with the execution thereof, specially to the Court, in the same manner as if the Provost-Marshal-General had made fuch partition thereon in his own proper person.

XX. And be it further enacted by the authority aforesaid, That Persons not who foever shall not do his duty, and comply with the direction of doing their this act, or offend against the true intent and meaning of the same, rected by, or shall for every such offence forfeit the sum of Fifty Pounds to his offending a-gainst, this act, Majesty, his heirs and successors, to be applied towards the contin- to forfeit sol.

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gent charges of the government, and to be recovered by information

in the faid Supreme Court of Judicature of this island.

XXI. And whereas it hath frequently happened that the evidences for the Crown, in criminal matters, who have not been able to find bail for their appearance at the Supreme Court, Courts of Affize, or any other Court competent to try criminal causes, have been sent to gaol in order to enfure their appearance to give evidence; And whereas the fum at present by law allowed to persons in that unfortunate situation is by no means sufficient for their support: therefore enacted by the authority aforefaid, That from and after the passing of this act, whenever it shall happen that any witness for the Crown, in any criminal profecution, shall be committed to gaol for want of fufficient bail for his appearance to give evidence, that the sufficient bail Marshal, or Keeper of such gaol where such witness shall be so confined, shall pay to such witness, during such his confinement as aforesaid, be allowed 5s. the sum of Five Shillings current money of this island, for each day per diem, dur- he or she shall be so confined; and the Receiver-General for the time being is hereby directed to repay to fuch Marshal or Gaol-Keeper all and every fums of money, which fuch Marshal or Gaol-Keeper shall so pay to such person or persons who shall be so confined on the account aforesaid, out of any monies in his hands unappropriated.

Witneffes for the crown, who shall be fent to gaol for want of for their apfinement.

Continuance of this act.

XXII. And be it further enacted by the authority aforesaid, That this act and every thing therein contained, shall be and continue in force, from the passing thereof, for the term of seven years, and from thence to the end of the then next Seffion of Affembly.

Paffed the sad of December.

An Act to encourage the Breed of good and large Horses.

ACT 13. Preamble.

THEREAS breeding of good, strong, and swift Horses, within this island, tends not only to the great benefit and defence of the same, but will also be of great convenience and profit to the inhabitants thereof: And whereas the present breed may be diminished, by reason that in pastures, commons, savannas, and waste grounds within this island, very small Horses, and of little value, are not only suffered to pasture and feed thereon, but to cover Mares: For remedy whereof, and for the increase of better, swifter, and stronger Horses in this island, We, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's said island, and it is bereby enacted and organized by the authority of the same, That, from and after the thirty-first day of December,

in the present year of Our Lord one thousand seven hundred and eighty-four, no person or persons, upon any pretence whatsoever, No ffoned shall put to pasture, or suffer to run at large upon any commons, Horses under favannas, or waste grounds within this island, any stoned Horse or 14 hands to Horses, not being of the height of fourteen hands, to be measured on commons, from the lowest part of the hoof of either of the fore feet, to the &c. under highest part of the withers; and every hand to contain four inches seiture of the of the standard; upon pain of forseiture of the said Horse or Horses same. which shall be so put to pasture, or suffered to run at large upon any

commons, favannas, or waste grounds.

ACT 13.

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II. And be it further enacted by the authority aforesaid, That it shall Any person and may be lawful to and for any person or persons who shall find mayseize such any such stoned Horse or Horses at pasture, or running at large in or der to be meaupon the faid commons, favannas, or waste grounds, contrary to the Justice; and, true intent and meaning of this act, to feize and take the faid Horse if under fize, to be forfeited or Horses so found, and carry the same before any one of his Majes- to the use of y's Justices of the Peace for the parish or precinct wherein the of- fuch person; fence shall be committed, in order to have the said Horse or Horses trated and demeasured, in the presence and view of the said Justice: and if the livered to the laid Horse or Horses shall be found not of the height aforesaid, then paying 10/. to the said Horse or Horses shall be forfeited to, and the property thereof seizing. immediately vested in the person or persons taking up the same, on his making oath to the time and place where the faid Horse or Horses was or were taken up; unless the owner or proprietor of such Horse or Horses, or some person on his or her behalf, shall tender to the party seizing or taking such Horse or Horses the sum of Yen Pounds for each Horse so taken; in which case such Horse or Horses shall, being first castrated, and the owner paying the expense of such castration, be restored to the proprietor thereof, or to any person in his or their behalf; any law, custom, or usage to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That no No Horse, &c. person or persons, after the said thirty-first day of December, in the seab, mange, present year of Our Lord one thousand seven hundred and eighty-four, or farcy, to shall put to pasture, or suffer to run at large, any Horse, Mare, or run at large Gelding, or any Mule or Ass, infected with scab, mange, or farcy, on commons, in or upon any of the faid commons, favannas, or waste grounds, penalty of sol upon pain of forfeiting, for every offence, the sum of Fifty Pounds,

to be recovered in the Supreme Court of Judicature, or Courts of Affize, by action of debt, bill, plaint, or information.

IV. And be it further enacted by the authority aforefaid, That any Persons person or persons who, after the said thirty-first day of December, knowingly surning glan-shall knowingly put in, or turn into or upon any of the said com-dered Horses,

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mons, &c. into any

mons, favannas, or waste grounds, any Horse, Mare, or Gelding, or any Mule or Ass, having the glanders, shall, for every offence, forfeit to forfeit 2001, the fum of Two Hundred Pounds, or one year's imprisonment, to or fuffer one be recovered as aforefaid.

V. And be it further enacted by the authority aforesaid, That the Informant to person who gives the information shall carry the Horse, Mare, or carry such Horse, &c. be. Gelding, or Mule or Ais, so infected, before a Magistrate, who shall

fore a Magif- on due proof thereof, order the beaft to be destroyed.

trate, who shall order the ftroyed.

year's impri-

fonment.

Public purfes tive counties and parishes at the times specified.

VI And be it further enacted by the authority aforefaid, That the beatt to be de- Receiver-General for the time being shall, and he is hereby required and directed to furnish and provide, out of any monies in his hand to be run for unappropriated, a purse of One Hundred Pistoles, once every year; and in the respect that the same shall be run for on the first Thursday in December in each year, on the Course near Spanish-Town, the best of three heats, un der fuch rules and regulations as are usual at Races in Great-Britain by any stoned Horse or Horses, Mare or Mares, imported into this island, carrying Ten Stone each, Fourteen Pounds to the Stone, a lowing Three Pounds for Mares so imported; and by any Creek Horse or Horses, Mare or Mares, Gelding or Geldings, measurin fourteen hands and a half high, and the get of an English Stalling to be measured according to the regulations aforesaid, carrying Nin Stone; and also allowing Three Pounds for Creole Mares: And all another purse of One Hundred Pistoles, to be run for in like manne once every year, on the first Thursday in August, in the county Surry, on the Kingston Course, under the rules and regulations herei before directed: And also one other purse of One Hundred Pistola to be run for in like manner, once every year, in the county of Com wall, in the respective parishes of Saint Elizabeth, Westmoreland Hanover, Saint James, and Trelawny, alternately; the first purse be run for in the parish of Saint Elizabeth, on the first I hursday February; the second in the parish of Saint James, on the fir Tuesday in May; the third in the parish of Westmoreland, on the first Thursday in January; the fourth in the parish of Hanover, of the first Tuesday in February; and the fifth in the parish of Trelaw ny, on the first Thursday in April; and so alternately on the said respec tive days of the months of February, May, January, February, an April, in each of the faid five succeeding years, on such Course in each parish as the Justices and Vestry of each respective parish shall dire and appoint, subject to the rules and regulations as aforesaid: Pro Proviso; no wided always, That no Horse or Mare shall be allowed to win more to win more than one public purse, except in one and the same year; which sale than one pub- feveral fums of money shall annually be paid and allowed the said Receiver-General: And the Governor or Commander-in-Chief

cept in one and the fame year.

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this island for the time being shall or may appoint some person or persons, who shall be judge or judges of the said Races; but in case Governor to the Governor or Commander-in-Chief for the time being shall not appoint appoint some person or persons to be the judge or judges of the judges of fuch Races, faid Races, then the person or persons who shall judge and determine &c. the faid Races, shall be chosen by a majority of the persons in whose names fuch Horses or Mares are entered.

VII. And be it further enacted by the authority aforefaid, That all Penalties how the fines and penalties mentioned and contained in this act, and not to be recoverdeclared how they shall be recovered, or how applied, shall be reco-plied. vered by action of debt, bill, plaint, or information, in the Supreme Court of Judicature of this illand, or in either of the Affize-Courts, wherein no protection or wager of law, or Non vult ulterius prosequi be entered: One moiety whereof shall be to his Majesty, his heirs and fuccessors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to him, her, or them who shall sue for the same.

VIII. And be it further enacted by the authority aforesaid, That Continuance this act, and every clause, matter, and thing therein contained, shall of this act. continue and be in force from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-four, for and during the term of five years, and no longer.

An Act to establish a Guard in the Town of Kingston, for Passed the 23d the Safety and Protection thereof.

THEREAS, by an Act of the Lieutenant-Governor, Council, Act 14. and Assembly of this island, intitled, " An Act for the bet- Preamble. ter preventing mischiefs that may happen by Fire in the Town of Kingston; for the further regulating the Assize of Bread, and the Nightly Watch of the said Town; and for other purposes therein mentioned," the Magistrates and Vestry of the said town are empowered to raise a tax for the support of the Nightly Watch in the said town, and to make fuch orders, regulations, and directions, for the better order and government of the faid Nightly Watch, as to them the faid Justices and Vestry shall seem meet: And whereas, from the frequent enormities that have been committed in the faid town by armed failors in the night-time, from the daring infults of the numerous flaves, the tobberies that have been committed, and the many secret attempts that have been made to consume the said town by fire, two of which unfortunately took place, and rendered a confiderable part thereof a

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Nightly Watch to be

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heap of ruins; the inhabitants of the said town have suffered the most alarming apprehensions: To remedy which, the Justices and Vestry of the faid town have, at a very great expence, increased the number of the faid Nightly Watch, and have used every effort in their power thereby to preserve the peace and good order of the said town; but it hath been found impracticable for the faid Nightly Watch to preferve the faid town in peace and fafety, by reason that the said Watch are not legally warranted to carry arms for the fafety and protection of the faid town, and the suppression of the said disorders: For remedy whereof, We, your Majesty's most dutiful and loyal subjects, the Assembly of this your island of Jamaica, most humbly beseech your Majesty that it may be enacted; And be it enacted by the Lieu. tenant-Governor, Council, and Assembly of the said island, and is is bereby enacted and ordained by the authority of the same, That from and after the paffing of this act, the faid Nightly Watch shall be called by the name of "THE TOWN-GUARD OF KINGSTON:" And the Justices and Vestry of the said town shall and may, yearly and even year, or as often as they shall think necessary, and they are hereb authorised and required, to order and establish such number of watchmen, constables, and other officers of the faid Town Guard try authorised as they shall judge necessary and proper, to be kept and employed in the streets, and other places in the said town, and to nominate and tions respectappoint such honest and able-bodied men, to be employed in that ferso the fervice vice, as they shall think best qualified for the same; and shall also dimay require. rect and appoint, in writing, how and when the feveral watchmen and officers of the faid Guard shall be stationed; and in what manner they shall be armed, how often they shall go their rounds, how long they shall continue on duty, and what wages shall be allowed to fuch watchmen, constables, and other officers, for their attendance and may also erect, hire, or otherwise provide, a proper place of places, for the reception of the faid watchmen, constables, and other officers, as aforesaid, of the said Town Guard; and shall make such orders and regulations, in writing, as the nature of the service shall appear to them, the faid Justices and Vestry, to require.

All orders, &c. to be figned by the Junices and Venry.

II. And be it further enacted by the authority aforesaid, That true copies or transcripts, of all such nominations, orders and regulations, as shall be made from time to time, for the better direction and government of the faid Town Guard, shall be signed by the faid Justices and Vestry: And the said watchmen, constables, and other officers, of the faid Town Guard, shall keep watch and ward within the streets, and other places in the said town, for such respective times, and in such manner, as shall from time to time be appointed by the said Justices and Vestry; and shall, in their several turns and

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courses of watching, use their best endeavours to prevent all mischiefs happening by fires; and all burglaries, robberies, breaches of the King's peace, and all other outrages and diforders, and tumultuous affemblies of slaves; and to that end shall, and they are hereby, jointly and severally, empowered and required to arrest, apprehend and de- Duty of the tain in the watch-house, or other convenient place of security, to contables be provided or appointed by the faid Justices and Vestry, within or men. near to the faid streets, all malefactors, disturbers of the King's peace, and all suspected persons, who shall be found wandering or misbehaving themselves, and slaves without tickets from their owners; and shall carry them, so soon as conveniently may be, before one or more of his Majesty's Justices of the Peace acting in and for the said town, to be examined, and dealt with according to law: And the faid watchmen, constables, or other officers of the said Town Guard, hall, as often in every night as shall be ordered by the said Justices and Vestry, go about their respective districts or rounds, to take noice whether all the watchmen perform their duty, in their several stations, according to such orders and regulations as shall be provided for that purpose by the said Justices and Vestry, as aforesaid: And in rase any watchman shall misbehave himself, or neglect his duty, the said constables, or other officers of the said Guard, shall, as soon as conveniently may be, give notice thereof to the chief constable, or other officer commanding the same; who is hereby authorised to sufbend fuch watchman from the execution of his office, and appoint chief confisanother person to officiate therein, until the next meeting of the said ble, &c. to suf-Justices and Vestry, when the said chief constable, or other officer men for negcommanding the faid Town Guard, shall acquaint the faid Justices led of duty. nd Vestry, at such meeting, with the complaint against such watchnan, in order for the faid Justices and Vestry to proceed to the exanination of the faid offence; and fuch watchman shall be subject and hable to the penalty of Twenty Shillings, for every such neglect or nisbehaviour, or be discharged from his said office of watchman.

III. And be it further enacted by the authority aforefaid, That if the Penalty on aid constables and officers of the said Town Guard, or any of them, watchmen, hall wilfully neglect in their turn to keep watch and ward, or shall led of duty. not come to keep watch and ward, in manner or during the times that shall be appointed by the said Justices and Vestry for their attendance thereon, or shall depart from or leave keeping watch and ward, during the respective hours appointed by the said Justices and Vestry, aforesaid, for keeping the same, or shall otherwise neglect their duty, or misbehave themselves, the persons so offending shall, repectively, forfeit and pay, for every such neglect or offence, any sum

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not exceeding Five Pounds, or be discharged from the said office of constable,

constable, or officer of the said Guard, if the said Justices and Vestry 1784. think fit. the soul all burglaries, robbence be-

To earry mabefore a Jultice of the Peace.

IV. And he it further enacted by the authority aforefaid, That it lefactors, &c. shall and may be lawful for the said watchmen, of the said Guard. or any of them, in the absence of the said constables, or other officers, as aforesaid, and they are hereby, respectively, authorised and required, in their feveral stations, during the time of their keeping watch and ward, to apprehend all fuch malefactors, diffurbers of the King's peace, and all fuch suspected persons who shall be found wandering or misbehaving themselves, and slaves without tickets from their owners; and to carry the person or persons so apprehended, as foon as conveniently may be, before fome neighbouring Justice of the Peace for the said town, to be examined and dealt with according to law, and keep such person or persons within the watch-house, or some other place of safety, in the mean time.

vied and applied.

V. And be it further enacted by the authority aforefaid, That all how to be le. penalties and forfeitures by this act imposed, shall be levied and recovered by diffress and sale of the offender's goods and chattels, by a warrant under the hand and feal of one Justice of the Peace, acting in and for the faid town; which warrant fuch Justice is hereby empowered and required to grant, upon confession of the party or parties, or upon the information of one or more credible witnesses upon oath, which oath such Justice is hereby empowered to administer; and the penalties, when recovered, after rendering the overplus, if any be, to the party or parties whose goods and chattels shall be fo distrained and sold, and the charges of such distress and sale being first deducted, shall be paid to the Clerk of the Vestry of the said town of Kingston, for the time being, and applied to the purposes of the said recited act: And in case sufficient distress shall not be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful for such Justice, and he is hereby authorised and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common gaol, without bail or mainprize, for any time not exceeding Seven Days, nor less than Forty-eight Hours, unless such penalties and forfeitures, and all reasonable charges, shall be sooner fully paid and satisfied.

Watehmen indemnifed.

VI. And be it hereby enacted by the authority aforesaid, That the watchmen, constables, and other officers of the said Town Guard, so to be appointed by the faid Justices and Vestry, as aforesaid, under the authority of this act, and every of them, shall, and they are hereby protected and indemnified, in all things which they shall lawfully and of necessity do by virtue of this act, for the safety and protection of the faid town, as aforesaid, in like manner as if every individual of the faid Town Guard were constables or peace-officers.

1784.

An Act for keeping in Repair the Harbour of Annotto-Bay; Paffed the and for regulating the mooring of Ships in the said Harbour; and for restraining all Masters or Commanders of Vessels, for the future, from heaving overboard Ballast in the said Harbour of Annotto-Bay.

OR the repairing and maintaining the Harbour of Annotto- Acris. Bay; for regulating the mooring of ships and other vessels trading thereto; May it please your most Excellent Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island, and it is hereby enacted by the authority of the same, That the masters or commanders of all veffels trading to the northward of the tropic of Cancer, which shall arrive in the said Harbour of Annotto-Bay, shall pay into the hands of the Water-Bailiff, herein after and by virtue of this act appointed, the sums herein after-mentioned; that is to say, Duties to be Every thip or three-mast vessel, the sum of Fifteen Shillings; every paid by every brigantine, snow, or bilander, the sum of Ten Shillings; and every in the Harfloop or schooner, the sum of Seven Shillings and Sixpence: And all bour of Anveffels trading between the tropics, which shall arrive in the said Harbour of Annotto-Bay, shall pay half of the above-mentioned fums; that is to fay, Every ship or three-mast vessel, the sum of Seven Shillings and Sixpence; every brigantine, fnow, or bilander, the fum of Five Shillings; every floop or schooner, the sum of Three Shillings and Ninepence; fugar-droggers, and other vessels using the coasting trade of this island, excepted, who shall pay Two Shillings

and Sixpence every Three Months, and no more. II. And, to the intent the faid duties may be truly paid, Be it there- Penalty on fore enacted by the authority aforesaid, That no Receiver-General, or the Receiverhis deputy, shall clear out any ship or other vessel chargeable with clearing out the faid duties, until the faid duties be paid, or a certificate thereof any veffel until faid duties produced, under the hand of the Water-Bailiff, of their having been are paid. paid, on pain of forfeiting, for every offence, the sum of Fifty Pounds, to be recovered in the Supreme Court of Judicature of this rlland, by action of debt, bill, plaint, or information, whereon no elloign, protection, wager of law, or injunction shall be granted or allowed, or Non vult ulterius prosequi be entered. One moiety thereof shall be to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety thereof to the informer:

Provided

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1784. Provided the tificate with ing that the hath perform- act. ed his duty in mooring his veffel

Mafter of every veffel to application, Days after his veffel is moored.

Provided always, That in case the Water-Bailiff appointed, or to be appointed, shall have left with the Receiver-General for the time be-Water Balliff ing, or his lawful deputy aforefaid, before the clearing out of any hath lefta cer- fuch vessel, a certificate, under the hand of the master or commandthe Receiver- ing officer of every such vessel respectively that shall arrive in the said General, fign-ed by the mas Harbour of Annotto-Bay, that he the said Water-Bailiff, or some ter, import- person for him, hath actually attended and performed his duty in Water-Bailiff mooring fuch veffels respectively, agreeable to the intentions of this

III. And be it further enacted by the authority aforesaid, That the master or commander of every vessel that shall arrive in the said Harbour of Annotto-Bay do and shall, within Three Days after the moorgive fuch cer- ing of the faid veffel, upon application made to him by the aforefaid tificate, upon Water-Bailiff, or some person on his behalf, sign such certificate, within Three under the penalty of Forty Shillings; in case of refusal to be recovered before any Justice for the parishes of St. Mary and St. George, on the oath of the faid Water-Bailiff, or such person acting in his behalf; one moiety whereof to be paid into the hands of the Church warden for the time being, for the use of the poor of the said parishe of St. Mary and St. George, and the other moiety to be paid to the said Water-Bailiff.

Commander in Chief to appoint aWaer-Bailiff.

IV. And, for applying the faid feveral fums of money, hereby made payable for the purposes aforesaid; Be it enacted by the authority aforesaid, That it shall and may be lawful for the Governor of Commander in Chief for the time being, by instrument in writing under his hand and feal, at his pleasure to choose and appoint a Water-Bailiff for the better and more orderly government of the faid Harbour, and that all ships and vessels may anchor and moor in proper and regular manner and places.

V. And be it further enacted by the authority aforefaid, That the Water-Bailiff faid Water-Bailiff, so appointed, shall from time to time be sworn before the Commissioners herein after to be named, or any three of them, justly and indifferently, without partiality, to execute the office according to the ancient custom and usage of Great-Britain.

Juftices and Veftry empowered to raife sol. per ann. to be paid to the Water-Bailiff, over and above faid duties.

to be fworn.

VI. And be it further enacted by the authority aforefaid, That, over and above the monies to arise by this act, it shall and may be lawful to and for the Justices and Vestry of the said parishes, and they are hereby empowered, required, and obliged to lay a tax on the proprietors of estates in the said parishes who ship at Annotto or Jack's Bay, for raising a further sum of Fifty Pounds per annum, to be paid to the faid Water-Bailiff, for his trouble in performing his duty pursuant to this act; fuch tax to be collected and levied in the fame manner as the parochial taxes are usually collected and levied,

VII. And

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he contrary notwithstanding.

VII. And be it further enacted by the authority aforefaid, That if the faid Water-Bailiff, by ignorance or negligence, shall moor any Water-Bailiff restel so as thereby any damage shall arise, the said Water-Bailist shall to be liable be liable to make good the same by any bill, plaint, or information, for any dao be brought or profecuted in the Supreme Court of Judicature. ing to veffele Provided always, That no person who is a Commissioner or Whar-through his inger, shall be appointed a Water-Bailiff by virtue of this act.

VIII. And be it further enacted by the authority aforesaid, That in Water-Bailiff. ase any differences or disputes shall arise concerning the mooring of Differences as ny ships or vessels directed by this act, that then, and in such case, rising respecthe same shall be settled and adjusted by the Commissioners herein ing of vessels, fter appointed, or any three of them: And the faid Water-Bailiff, so to be fettled by the Como be appointed, is hereby required to follow all fuch directions, un · missioners. er the penalty of Twenty Pounds for each offence, to be levied by varrant under the hands and feals of the faid Commissioners, or any hree of them, to be directed to any Constable or Constables of the id parish.

IX. And be it further enacted by the authority aforesaid, That the Justices and ustices and Vestrymen of the said parishes of St. Mary and St. George St. Mary and or the time being, or any three of them, one whereof to be a Jus- St. George ce, are hereby appointed Commissioners to carry this act into ex- commission. cution.

X. And whereas a practice hath prevailed, of heaving ballast out Ballast not to f ships and vessels into the said Harbour of Annotto-Bay, to the be thrown overboard, in reat detriment and injury of such Harbour: For remedy whereof, said Harbour, nd to prevent the like practice for the future; Be it further enacted under the pethe authority aforesaid, That, from and after the first day of Januy next, no person whatsoever shall heave or throw overboard, out of by thip or vessel, any gravel, fand, or other ballast, into the said larbour, under the penalty of Fifty Pounds for every offence, to be ecovered upon the oath of one or more credible witness or witnesses, efore any two Justices of the Peace for the said parish; one half phereof shall be paid into the hands of the Churchwardens, for the enefit of the poor of the faid parish, and the other half to the inormer, or person suing for the same; any law, custom, or usage to

XI. And be it further enacted by the authority aforefaid, That, from Harbournd after the passing this act, the said Harbour-Master for the time charge of vesbeing shall have full power and authority to take charge and direction of any ship or well what some that shall be and the ship or well be the shall be and the ship or well be the ship o ion of any ship or vessel whatsoever, that shall happen to be set on to extinguish hre, in order to extinguish the same, and prevent its spreading fur- the same. ther; and that any person or persons that shall obstruct the said Har- Penalty on bour-Master in the execution of so necessary and useful a part of his persons ob-

1784. No commif-

duty, in his duty.

duty, shall forfeit the sum of Five Hundred Pounds, to be recovered by bill, plaint, or information, in the Supreme Court of Judicature of this island, wherein no essoin, protection, or wager of law shall be allowed, or Non vult ulterius prosegui be entered.

Passed the and An Act to prevent Captains, Commanders, or Masters of of December. Ships, and all other Vessels whatsoever, from clandestinely carrying off this Island, Negro or other Slaves.

ACT 16. Preamble.

THEREAS the wicked practice of carrying Slaves from this island is become very common, under pretence that such Slaves were supposed to be free: For remedy whereof, May it please your most Excellent Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained No person to by the authority of the same, That, from and after the passing of this earry off the act, no captain, commander, or master of any ship, or other veste whatsoever, shall, under the penalty of Five Hundred Pounds, carry without a cer- from this island, on board his ship or vessel, any free Negro, free the Cuños or Mulatto, or free Indian, without a certificate of his or her freedom trate, under first had from the Custos or Chief Magistrate of the parish from the penalty of whence his ship or vessel is to depart.

groes, &c. 100/.

II. And further to prevent the great and atrocious crime of carrying Slaves from this island; Be it enacted by the authority aforesaid, I hat, from and after the passing this act, if any Slave is carried from masters, &c. this island, in any ship or other vessel, though unknown to the captain, commander, or master of such ship or other vessel, at the time Slaves, altho' of his departure, such captain, commander, or master shall neverthe them at their less be liable to pay to the owner or proprietor of such Slave the sum of Five Hundred Pounds; unless such captain, commander, or masturn them to ter does, on his arrival at the port to which he is bound, secure fuch Slave, and fend him or her back by some good opportunity, or unless he brings back such Slave in his ship or vessel on his return, and deliver him to the owner, or to fuch person as shall have power to

Penalty on rying off unknown to departure, unlefs they retheir owners.

> receive him for fuch owner. III. And be it further enacted by the authority aforesaid, That if any captain, commander, or master of a ship, or any other vestel whatfoever, shall wilfully and knowingly carry away a Slave from this island, without the consent of the owner, proprietor, or manager of fuch Slave, on conviction thereof, he shall be adjudged guilty of felony, and fuffer death accordingly.

Mafters, &c. of veffels knowingly offending, to be adjudged guilty of felony, and fuffer death.

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IV. And be it further enacted, That the several penalties in this act mentioned shall be to the informer, to be recovered by action of Penalties in debt, bill, plaint, or information, in the Supreme Court of Judica- this act menture, or in either of the Assize Courts of this island, wherein no estioned, how to be recoverfoin, protection, or wager of law shall be allowed, or Non vult ul-ed and apterius prosequi be entered; any law, custom, or usage, to the con-plied. trary in anywise notwithstanding.

An Act for regulating the Proceedings of Surveyors of Land, 1785. and for the better regulating and establishing their Fees.

of December.

WHEREAS the several acts hitherto made for regulating the ACT 17. proceedings of Surveyors of Land, and for establishing their Preamble. fees, have been found insufficient, as many exorbitant charges have been introduced in such Surveyors bills, contrary to the true intent and meaning of those laws: For remedy whereof, We, your Majesty's dutiful and loyal subjects the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enasted; Be it therefore enasted by the Lieutenant-Governor, Council, and Assembly of your said island, and it is bereby enacted and ordained by the authority of the same, That, upon all writs of view or or- surveyors to ders of Court hereafter to be executed, the Surveyors of Land con-lay down all cerned in executing the same shall, in every diagram or scheme of lines. the lands in question, or those adjacent, which they shall return with fuch writs or orders, or lay before the Court and Jury, truly and faithfully lay down and describe all old-marked lines, and fixed or known and reputed boundaries on earth, on the lands comprised within the said schemes or diagrams, and also all such lines as shall have been fixed by any former writs of view or orders of Court which they know, or shall have been informed of; and in the margins of such diagrams or schemes shall be inserted all the field-notes and remarks made by fuch Surveyor, of all and every part of the work performed, and delineated in fuch diagrams or schemes, under the penalty of One Hundred Pounds for every such offence.

II. And be it further enacted by the authority aforesaid, That when To give Ten any Surveyor of Land intends to survey or resurvey lands, either by Days notice before they Writs of view, orders of Court, or by the employment of any proceed to private person or persons, such Surveyors shall give Ten Days notice survey. in writing, at the least, of such his intention; and in such notice he shall particularly express what particular run of land of the neighbouring proprietor or proprietors to whom his, her, or their execu-

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tor, guardian, or attorney, or his, her, or their manager or overseer, personally, notice is to be given he intends to run upon, by what authority, or by whom employed, and which of the lines of fuch run of land, the particular corner, the course intended, the day, and hour of the day, he proposes to begin to run the said lines; from which corner, and on which course only, he shall proceed, under the penalty of One Hundred Pounds for every offence; and in case such Surveyor or Surveyors does not begin to run the lands agreeable to the time he or they shall express in such notice, he or they shall be obliged to give new notices, in manner and form aforesaid, before he or they shall begin the said work, otherwise all the business done by them

shall be void.

III. And whereas by an act of this island, entitled, " An Act for the further quieting possessions, and regulating resurveys," it is Recital of part enacted, " That if it shall happen that any person, by mistake of Suring possession veyors, or otherwise, has settled, or shall hereafter settle upon land belonging to his Majesty, his heirs and successors, and the same shall be found to be so, yet such person that shall be so settled, shall be preferred to all other person or persons, and entitled to a patent for the same to him, her or them, and his, her or their heirs, paying the usual fees only; provided he, she or they apply for such patent, and pay the quit-rents annually, referved for fuch time as they have been possessed thereof as aforesaid, and, until such patent should pass the feal, fuch person, or his, her or their heirs or assigns, should continue in quiet and peaceable possession of the said land;" yet, notwith-standing the said law, some evil-minded Surveyors, for their own lucre, and in order to create law-fuits, and disturb the quiet and peaceable possession of several of your Majesty's subjects, have clandestinely given plats of the said lands, which have, by such mistake, been actually settled, and in possession of such settler, and their heirs and affigns, time immemorial, to the great discouragement of the settling this island; Be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, if any Surveyor shall prefume to run out any land which hath been fo fettled upon as aforesettled on by said, or shall deliver any plat of the said land to any person whatfoever, except to the person in possession of the said land, in order to plats thereof be annexed to any grant or patent of or for the faid land; every fuch exceptitheone patent so obtained shall be null and void, and such Surveyor so ofin possession, fending shall, for every such offence, forseit the sum of Five Huntain a patent, dred Pounds, and shall, upon conviction thereof in the Supreme such patent to Court of Judicature of this island, suffer Six Months imprisonment, the Surveyor Without bail or mainprize, and be rendered incapable of ever acting fooffendingto again as a Surveyor of Land.

Surveyors running out lands before miftake, or delivering to any perfen forfeit sool.

IV. And be it further enacted by the authority aforesaid, That no possession of any land whatsoever, obtained by virtue of any survey or resurvey, shall be deemed good and valid, unless the person or persons necessary to be served with notices, as by this law is directed, or tue of surveys some person or persons by him, her or them appointed for that pur- not good, unpose, be present at the running of such lines, except an affidavit be less the parties made of fuch notice having been duly given; which notice shall be with notices, annexed to the scheme or diagram of such survey or resurvey; and in &c. which affidavit shall also be set forth, the Surveyor of Land having proceeded from the particular corner or point in such notice mentioned,

V. And be it further enacted by the authority aforefaid, That in all surveyors decases where writs of view or orders of Court have been executed, and facing or re-the lines upon earth in dispute fixed by a judgment, no Surveyor of &c. fixed by Land do presume to deface, destroy, or remove such lines, or any judgment, to land-mark thereon, under the penalty of Five Hundred Pounds, cur-

rent money of Jamaica.

ACT 17.

VI. And be it further enacted by the authority aforefaid, That if Surveyors reany Surveyor of Land shall return any plat of land, by virtue of any plat of land as order for King's land which shall afterwards be found to be covered king's land, by prior plats, fuch Surveyor of Land shall be liable for the damages wered by prior fustained by the person or persons settling on the same; unless the plats to be lialand fo returned was shewn or pointed out unto him by the patentee res suftained, thereof, and the return made by his express defire.

VII. And be it further enacted by the authority aforesaid, That, to surveyors to all returns made by any Surveyor to orders for King's land, there shall annex an affibe annexed an affidavit made by fuch Surveyor, that he hath actual- returns to orly and bona fide, according to the best of his skill and judgment, sur- land, veyed and marked the outlines of fuch land, and that the field-notes thereunto annexed are true, under the penalty of Five Hundred

Pounds.

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VIII. And whereas Surveyors of Land, upon executing writs of Enablishment view, are obliged to make flips, reduce plats, make schemes or dia- fees. grams, to lay before the Court, and give attendance on the trial of ejectments; Be it enacted by the authority aforesaid, That the following fees be allowed the faid Surveyors of Land, as well for executing writs of view and orders of Court, as for other work they shall do; to wit, For reducing or extending, flipping and fixing each plat, two shillings and fixpence, and also all monies that he shall necesfarily expend for plats in the public offices; for a scheme or diagram with field-notes, to be laid before the Court, five pounds; for a scheme or diagram for the Jury, five pounds; for attending the Court (if required to attend by either party, and not otherwise), ten shillings per diem; for surveying lots of land in any of the towns, bays, or a line at

harbours,

harbours, each lot one pound ten shillings; for surveying any small piece or parcel of land under one hundred and forty acres, two pounds feven shillings and sixpence; if more than one piece, one pound fifteen shillings and sevenpence halfpenny each; for any single piece or parcel of land above one hundred and forty acres, three pounds; if

more than one piece, two pounds each.

IX. And be it further enacted by the authority aforefaid, That, from and after the paffing of this act, no charge shall be made by any Surveyor of any fum or fums of money per acre, for the contents or number of acres contained in any diagram of lands furveyed or refurveyed; nor shall any sum or sums of money be allowed by any of the Judges of the Supreme Court of Judicature, in the taxation of fuch Surveyor's bill, on account thereof, except only for what is herein before particularly mentioned: For running Land per acre or by the piece, for traverfing roads, open river-courses, and open grounds, fourpence per chain; for traverfing all old lines, rivercourses, or gullies in wood lands, fixpence per chain; for protracting, one penny per chain; for writing and ferving notices, two shillings and fixpence each; for making furveys of plantations or fettlements, to wit, for every cane-piece, grass-piece, pasture or inclosure, five shillings; for running round the outlines in wood land, fixpence per chain; and for making a fair plan or diagram, if not above twenty plots, two pounds feven shillings and fixpence; from twenty to thirty plots, three pounds eleven shillings and threepence; from thirty to forty plots, five pounds; if above forty plots, two shillings and fixpence for each plot contained in fuch diagram; and in all writs of view or orders of Court hereafter to be executed, the Surveyors of Land executing the fame shall not presume to charge by the acre for furveying, any more than the lands contained within the lines of the plaintiff's and defendant's lands in dispute, under the penalty of Five Hundred Pounds for every offence.

Allowancefor Surveyors ed to furvey or not by writ of

X. And be it further enacted by the authority aforefaid, That when any Surveyor of Land is employed to furvey or refurvey lands not by whenemploy virtue of a writ of view, he shall be allowed one shilling and sixpence resurvey lands per mile, for mile-money, from the place of his abode to the place where the lands are; and shall be allowed ten shillings per day for every day he shall be delayed, if it shall happen through the means of the person who employs him, but not for the days included in the notices ferved on the neighbouring proprietors; and fuch Surveyors shall not charge for surveying any more lands than are contained within the lines of the person who employed him.

XI. And whereas many disputes and redious expensive law-suits have arisen, to the great prejudice of your Majesty's subjects in the

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island, through the incapacity and ignorance of persons presuming to act as Surveyors of Land: For prevention whereof in future, Be it enacted by the authority aforefaid, That no person whatsoever shall reyor who hereafter be appointed to act as a Surveyor of Land in this island, un- hath not served an apprentil he hath duly served some sworn Surveyor as an apprentice, for at ticeship of least five years in this island, or hath been a sworn Surveyor in Great- heen exami-Britain or Ireland, or some part of his Majesty's dominions, and ned as to his hath undergone an examination by and before three fworn Surveyors qualification. of Land, to be nominated and appointed by the Supreme Court of Judicature of this Island, as to his qualification; which three Surveyors of Land, or any two of them, shall certify the same upon oath, in the form following, to wit:

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" IN E whose names are hereunto subscribed, being sworn Surveyors Return of the of Land in this island, do hereby certify on our oaths, re-eximiners on oath. " spectively, that we have examined A. B. touching his qualification to " act as a lawful Surveyor of Land in this island, and do find, that " the said A. B. bath a sufficient knowledge in the theory and practice " of Surveying, to qualify bim to act as a Surveyor of Land.

" Sworn this day of before me "

Which affidavit or certificate shall be sworn to by the said three Surveyors of Land, or any two of them, before any one Justice of the Peace of this island, and produced to the Governor or Commander in Chief for the time being, by the party applying for a warrant or commission to act as a Surveyor of Land, before he shall obtain such warrant or commission; and that all and every person presuming to Persons act. act as a Surveyor of Land, without having ferved such apprenticeship, such qualifior having been a tworn Surveyor in Great-Britain or Ireland, and cation to forwithout passing such examination, in manner and form as aforementioned, shall forfeit the sum of One Hundred Pounds, current money of this island, and be rendered incapable of ever acting as a lawful Surveyor in this illand.

XII. And be it further enacted by the authority aforesaid, That no No Judge to Judge of the Supreme Court shall presume to tax the bill of any Sur-tax a Survey-or's bill, withveyor of Land for any work done, on any writ of view or order of out his taking Court, unless the Surveyor performing the same shall first take and an oath. subscribe the following oath before him, to wit:

A. B. do swear, that all and every the traverses, and other The oath. 19 " work charged in the above account, bath been by me truly and " faithfully made, done, and performed, in the above earle; and that

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" the same, and every part thereof, was proper and necessary to be " done, to determine the boundaries of the land of which " were in dispute at the time of doing the said work; and that there " are no charges in the faid account but what are allowed by an act of " this island, entitled, " An Act for regulating the Proceedings of "Surveyors of Land, and for the better regulating and establishing " SO HELP ME GOD." " their Fees."

Surveyor to produce his diagram at bill being taxdation of each aharge.

Which oath any Judge of the Supreme Court is hereby empowered and required to administer; and the said oath shall be inserted in the the time of his form hereby appointed, at the foot of the faid account, otherwise ed, and to ex such taxation shall not be taken and received as a fair and just taxaplainthefoun- tion; and the faid Surveyor, at the time of fo producing his account to the Judge, shall also exhibit his diagram, and explain to the Judge the foundation of the feveral charges by him made in his faid account.

Supreme Court to enforce payment of fuch taxation.

XIII. And be it further enacted by the authority aforefaid, That fuch taxation in manner and form aforefaid, shall be deemed sufficient for the Supreme Court of Judicature, to order payment to be made

Surveyors demanding or receiving other or greater this law, to forfeit 100l.

to fuch Surveyor, and to enforce the payment thereof by attachment against the person or persons who shall be deemed by the said Court to be subject and liable to the payment thereof; any thing in this or any other law to the contrary in anywife notwithstanding: And in

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case any Surveyor of Land shall, on any pretence whatsoever, presume to ask, take, demand, or receive any greater or other fees, sum or terfees than is fums of money, or other reward, fave what is herein before prescribprescribed by ed, every such Surveyor so asking, demanding, taking or receiving, shall, for every such offence, forfeit the sum of One Hundred Pounds, and be incapacitated to act as a lawful Surveyor of Land in future: Provided always nevertheless, and it is the true intent and meaning of this act, That before any fuch Judge shall tax any Surveyor's bill,

> to fummon the person or persons who shall be subject to pay the amount of such taxed bill, his, her or their attorney or attornies, to be and appear before such Judge, at the place and on the day by him appointed for fuch taxation; which notice shall be duly served, and oath made of fuch fervice, before fuch Judge shall proceed to the taxation of fuch bill.

by virtue of this act, notice shall be issued and signed by such Judge,

Surveyers ly, how punishable.

XIV. And be it further enacted by the authority aforefaid, That if swearingfalfe- any Surveyor, or other person, making any oath or affidavit required by this act, shall swear falsely, such Surveyor, or other person, shall be deemed guilty of wilful and corrupt perjury, and, upon conviction, shall suffer such pains and penalties as are inflicted upon such offender or offenders by the laws of England, and of this illand: Provided

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always, That in all actions of ejectment hereafter to be brought, wherein boundaries are the matter in dispute, there shall be but one Surveyor employed to run the lines of the plantiff's and defendant's in actions of plats, under the order of the Supreme Court of Judicature, and but ly one Survey. one diagram prepared and exhibited by him to the Court, and one dia- ployed, and gram for the Jury in open Court; and that fuch Surveyor, or, in he to be apcase of his death or disability, any other, shall be appointed by the said the Supreme Supreme Court, and shall not be nominated by either of the parties, Courte plaintiff or defendant; and that such Surveyor shall deliver to the attorney of each party, plaintiff and defendant, a true and fair copy of fuch diagram, within One Month after fuch Surveyor hath completed his survey: Provided always, That such diagram shall be delivered Thirty Days before trial.

XV. And be it jurther enacted by the authority aforefaid, That such Manner in Surveyor shall be appointed in manner following, that is to say: That which surveyor shall every Judge then fitting in Court shall name, and write on paper, the be appointed. names of three Surveyors, and the same being wrote on separate slips of paper, shall be put into a glass or box prepared for that purpose, fuch flip being first rolled up, and the same shall be thereupon shook together; and the Clerk of the Court shall, by order of the said Court, draw out one of the faid flips of paper, and the name of the person wrote on such slip of paper shall be the Surveyor in the cause to exe-

cute the order of Court.

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XVI. And be it further enacted by the authority aforesaid, That if The Surveyor any Surveyor so appointed shall ask, demand, take, or receive any sum taking any of money, or other matter or thing whatfoever, either to himself, or gratuity, to any other person or persons, for his use or benefit, either directly the fees alor indirectly, by way of fee, reward, or gratuity, from any person or lowed by this persons whatsoever, in any ejectment wherein he shall be so appointed, seit roool. and or in any manner relative thereto, either before or after the com- fuffer twelve months immencement thereof, or before or after trial, or during the pendency prisonment; thereof, other than the fees by this act allowed, and be thereof con- and any pervicted in the Supreme Court of Judicature of this island, he shall be or offering to deemed guilty of bribery and corruption; for which he shall be fined surveyor, to by the faid Supreme Court in the fum of One Thousand Pounds, and be fined roool. suffer I welve Months imprisonment, without bail or mainprise, and ed twelve stand further committed until he pays the said finer. And all and months. every person or persons who shall, by any ways or means whatsoever, with intent to bribe, offer or give, directly or indirectly, any fum of money, matter or thing whatfoever, to fuch Surveyor, or in any manhr to his use or benefit, by way of fee therein, or gratuity in any such ejectment, or in any manner relative thereto, either before or efter the commencement thereof, or before or after trial, or during

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the pendency thereof, other than the fees by this act allowed, and be thereof convicted in the faid Supreme Court of Judicature, he or they shall be deemed guilty of bribery and corruption; for which he or they shall be fined by the said Supreme Court in the sum of One Thousand Pounds, and suffer Twelve Months imprisonment, without bail or mainprise, and stand surther committed until he pays the said sine.

Burveyor's taxed bill in ejectment, to be paid by the perions against whom judgment is given, &c,

XVII. And be it further enacted by the authority aforefaid, That fuch Surveyor's taxed bill shall be paid by the party, in every such ejectment, against whom judgment shall be given, or who shall difcontinue or become nonfuit, within fuch time as shall be ordered by the faid Court; And in case any doubts shall arise at the time of the appointing of a Surveyor by the faid Supreme Court, respecting the payment of fuch Surveyor's taxed costs, the party or parties, in any action of ejectment, applying to have the boundaries of the lands in dispute run, under the order of the Court, such person or persons so applying shall, before the appointing such Surveyor, sign a rule, in the book of the Clerk of the Supreme Court, to pay fuch Surveyor's taxed bill in fuch cause; and, in case such party or parties shall recover in such ejectment, he, she, or they shall have his, her, or their remedy over, for the same, against the defendant or defendants in fuch cause, according to the true intent and meaning of this act ; and that in case of a new trial being granted, such taxed bill shall be paid by the party applying for fuch new trial, unless the said Court shall think proper otherwise to order or direct.

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XVIII. And be it further enacted by the authority aforefaid, That all penalties in this act mentioned shall be recovered in the Supreme Court of Judicature, or Courts of Assize, in this island, by action of debt, bill, plaint, or information, wherein no essoin, wager of law, or injunction shall be granted, or Non vult ulterius prosequi be entered or allowed; and the same shall be to the use of the party ag-

grieved, or that shall sue for the same.

Continuance of this act.

Penalties in

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to be recover-

ed and appli-

XIX. And be it further enacted by the authority aforefaid, That this act shall continue and be in force, from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-five, until the thirty-first day of December, which will be in the year of Our Lord one thousand seven hundred and ninety, and no longer.

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An Ast for the Prevention of Indebted Persons from departing this Island in time of Martial Law, and to empower of December. the Judges and Justices to exercise their several Offices in certain cases; and to empower the Justices and Vestry, and Churchwardens, and Surveyors of Highways, to discharge their several Duties; and to enable Landlords to distrain for Rent, notwithstanding Martial Law.

THEREAS by an act of this island now in force, entitled, ACT 18. " An Act for fettling the Militia," the Martial Law may on some emergent occasions be declared to be in force, by means whereof the common law will be fuspended, and, in the mean time, several ill-disposed persons, and in debt, may take advantage thereof and depart this island, to the great loss and damage of their creditors, and general discouragement to trade; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, of this his Majesty's island of Jamaica, and it is bereby enacted and ordained by the authority of the same, That it shall and may be lawful for any creditor or creditors, upon Creditors emoath being made by fuch creditor, or some person for him, according withstanding to the best of his information and belief, before a Judge or Commis-Martial Law, honer of the Supreme Court of Judicature, of such person or persons execute write intending to depart this island during Martial Law, to apply for and sue of arrest, &c. out of any of the courts of judicature of this island, notwithstanding ed persons inthe continuance of any Martial Law in this island, any writ or writs tending to deof arrest, or other process in law or equity, to stop, arrest, imprison, and detain any debtor or debtors that shall attempt or go about to depart this island, until he or they shall pay and satisfy their debt or debts, or give sufficient security for the same, according to the usual course of law; or in case of such person or persons going off, or departure as aforefaid, a foreign attachment, according to the law and practice of this island, may issue against his, her, or their goods or chattels, and that it shall and may be lawful for the Judge or Judges of such courts, and all and every their officers, to fign, issue, and execute all fuch writ or writs, and other process, in like manner as he or they might have done in case Martial Law was not in force: notwithfunding the faid before-recited act, or any clause therein, or any other law, being or feeming to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That it shall Chief Justice, and may be lawful for the Chief Justice of this island, and all and Judges and every the Assistant Judges of the Supreme Court of Judicature, and Peace, autho-

their feveral powered to execute their

all and every the Justices of the Peace in this island, to act in their feveral stations and capacities, in all criminal matters cognizable betheir leveral fore them respectively, by committing or bailing the offender or ofcriminal mat- fenders, or binding over parties or witnesses to prosecute, in the same ters, during manner as they or any of them might have done in case Martial Law Coroners em. was not in force; and the Coroners of the several parishes of this island, or any of them, are hereby likewise empowered and required to execute his or their office in every respect, notwithstanding such the Martial Law. continuance of Martial Law.

ed to act in a manner during Martial fame was not in force.

III. And whereas many and great inconveniences may arise from possessions being forcibly taken, and afterwards forcibly detained, in the time of Martial Law, Be it further enacted by the authority afore-Chief Justice, faid, That it shall and may be lawful for the Chief Justice of this &c.empower- island, and all and every the Judges of the Supreme Court of Judicaeases of forei- ture of this island, in cases of forcible entry and detainer, to fign ble entry and writs of restitution and writs of possession, and to act and do therein the Provoft- as shall seem to them necessary and expedient, according to law; and Marshalto ex- the Justices of Assize and Oyer and Terminer and Goal-delivery, in eefs, in as full their several counties, shall have, and hereby have full power and au thority to order restitution, and to act and do in all such cases; and Law, as if the the Justices of the Peace in this island shall also have, and hereby have full power and authority to act in all cases of forcible entry or detainer, in as full a manner as they or any of them could have done, in case the Martial Law was not in force; and that the Provost-Marthal and his Deputies, and the feveral Constables, do execute all writs, warrants, or other process, and orders that shall come to their hands for the purposes aforesaid, under the same penalties, and subject to the fame punishments, as if Martial Law was not in force.

Landlorde autherized to diffrain for rent, during

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all Landlords of houses, lands, or tenements, to distrain for rent due to them for such houses, lands, and te-Martial Law. nements, during the time of Martial Law, in the same manner as they would be entitled to, in case Martial Law was not in force, upon the Landlords giving security, to the amount of the goods distrained on, before any Justice of the Peace, to make restitution upon any replevin thereafter to be brought for fuch goods, in case judgment shall be given against him in such replevin for the said goods.

V. And whereas several disputes have heretofore arisen about the proceedings of the Surveyors of Highways, and of the Justices, Vestry, and Churchwardens, within the feveral parishes and precincts in this illand, for keeping in repair the highways, holding of vestries, raising and laying on the parish-taxes, and collecting, levying, and applying the same, and the collecting and levying the public taxes by the

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Constable, or any other officer or officers thereto appointed, in the 1785. time when Martial Law is in force in this island: For the prevention of which, and avoiding the like inconveniences occasioned by evil-difposed persons, to the prejudice of his Majesty's service, and injury to the public, Be it enacted by the authority aforesaid, That the Justices Justices and and Vestry of the several parishes and precincts of this island, and Vettries, the Churchwardens and Surveyors of the Highways of the faid pa- dens and Surrishes and precincts, shall proceed to the discharge of their several du-veyors of Highways ties within this island, as well when Martial Law is in force, as at authorized to any other time; and they are hereby authorised, required, and em-dischargetheir feveral duties powered, to meet and raise such parochial tax or taxes, as by the seve- in the time of ral acts directed and appointed; and the several Constables may col- Martial Law. lect, levy, and distrain for the same accordingly, and as well also for Constables to the public taxes of this island: And any Justice, Churchwarden, Vef- taxes during tryman, Surveyor, or Constables, neglecting his or their duty, he or Martial Law. they fo offending shall incur the penalty in this act mentioned, any act, usage, or custom to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That every conflables Constable so distraining shall give security, to the amount of the goods give security so distrained on, before any Justice of the Peace, to make restitution for restitutiupon any replevin thereafter to be brought for such goods, in case on, &c. judgment should be given against him in such replevin for the said

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VII. And be it further enacted by the authority aforesaid, That this Duration of act, and every clause, matter, and thing herein contained, shall continue and be in force, from the passing thereof, for and during the term of five years, and no longer.

An AEt for westing the Common Lands of the Town of Titch- Passedthezath field, in the Parish of Portland, in Trustees, for the purpose of raising a Fund for erecting and maintaining a Free-School in the said Town, and for other Purposes therein mentioned.

THEREAS in and by a certain act of the Governor, Council, Acris. and Assembly, of this your Majesty's island of Jamaica, pas- Preamble. led in the year one thousand seven hundred and twenty-two, entitled, " An Act for settling the north-east Part of this Island," it was amongst other matters therein enacted, that fifty acres at a certain place therein named Pattison's Point, together with twenty

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acres on Ruther's or Lynche's Island, should be allotted for a town or towns, to be granted in lots and as foot-land; and it was also thereby enacted, that two hundred and fifty acres adjoining to the said piece or parcel of land, so intended for a town or towns at Pattison's Point, should be for ever thereafter taken, deemed, and reputed as a Common belonging to the said town or towns, and the same was thereby declared to be a Common belonging and appertaining to the said intended town or towns accordingly, and that the same, and every part thereof should be for ever more unalienable by your. Majesty, your Heirs, or Successors, to any other use, intent, or purpose whatsoever:

And whereas a town was afterwards built at Pattison's Point aforefaid, which is called or known by the name of the town of Titchfield:

And whereas, in and by one other act of the Governor, Council, and Assembly of this island, passed in the year one thousand seven hundred and twenty-five, entitled, "An explanatory Ast for the further encouraging the Settling the Parish of Portland," it was amongst other matters and things therein enacted, that for the enlarging the said town of Titchfield, and more regular laying out and speedy and commodious building of the same, there should be added to, and laid out, as part of the town of Titchfield, sifty agrees more of the land next adjoining to the fifty acres laid out for a town at Pattison's Point, to be granted and laid out in lots in like manner as the said other sifty acres; and also one hundred acres more, next adjoining to the two hundred and sifty acres laid out for a Common belonging to the said town, be added to and taken as a part and parcel of the said Common for the enlarging thereof:

And whereas, although the faid three hundred and fifty acres of land were so granted and appropriated by the said several acts for the purpose only of being a Common, for the general convenience and benefit of the inhabitants of the said town of Titchfield, yet divers individuals have unlawfully encroached thereupon, and taken up and cultivated divers parcels of the said Common Land for their own private benefit and advantage, and for which they are justly chargeable with a reasonable rent or hire for the same, to the use or benefit of the said town and the inhabitants thereof; but there being no person or body politic or corporate who might lawfully agree or such the same, for the benefit of the said town and its inhabitants, such

advantage is in danger of being entirely lost to them:

And whereas by the means aforesaid, and by other means, the said Common Lands have become of little or no use or profit to the said town:

And whereas it will be more beneficial to the faid town, and more

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for the encouragement of the fettling and enlarging thereof, that the faid lands be vested in certain Trustees, as a fund for the erecting and Supporting a Free-School for the education of the children of the inhabitants of the faid town and parish, and of the other inhabitants of this island, who may not find it convenient to send their children elsewhere for education: We, your Majesty's most dutiful and loyal subjects, do beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the Com- Trutees mander in Chief of this island for the time being, the honourable the named for carrying this four senior Privy-Counsellors for the time being, the honourable act into exe the Speaker of the Assembly for the time being, the Representa- cution, tives of the faid parish for the time being, the honourable the Chief-Justice for the time being, and the Custos Rotulorum, the four fenior Magistrates, the Churchwardens and Vestrymen of the parish of Portland, and the Rector of the said town of Titchfield for the time being, and fix of the inhabitants of the faid parish, such as the freeholders shall annually elect on the day appointed by law for the election of Churchwardens and Vestrymen for the said parish. shall be, and are hereby appointed, Trustees for the direction and management of a Free-School to be erected in or near the faid town of Titchfield; five of which Trustees shall be a quorum to do business.

Il And be it enacted by the authority aforefaid, That the faid Truftees Trustees, and they who shall succeed them, shall be and stand for made a body ever incorporated, in name and in deed, a body politick, incorporate and vefted by the name of The Trustees of the Titchfield Free-School, and by that berein dename they and their successors shall and may, for ever hereafter, seribed. have, hold, and enjoy the faid three hundred and fifty acres of land, adjoining to the faid town of Titchfield, and heretofore appropriated as and for Common Lands as aforefaid; and that the same three hundred and fifty acres of land, with all rights and appurtenances thereunto belonging, be, from the passing of this act, vested in the said Trustees and their successors for ever, for the purpose of erecting a Free-School, and as a fund for endowment and supporting thereof in all times to come, the faid two feveral herein before-mentioned acts, and any clauses, matters, and things therein, or in either of them, to the contrary notwithstanding.

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III. And be it further enacted by the authority aforesaid, That the Powers of hid Trustees and their successors, or the major part of them, from the Trustees. and immediately after the passing of this act, shall and may have full power and ability to enter upon and possess the said lands hereby vested, and to bring any actions that may be necessary for recovery of such

possession

V. And

possession of the same, or of any part or parts thereof, and for recovery of all damages, rents, hire, or other recompence for the use and occupation of the fame, either for the time past or in the future; and shall and may have power and ability to demise or lease all or any part or parts of the faid lands, for such rents as may be had for the fame, and to take, acquire and purchase, to sue and be sued, and to do, perform and execute all and every lawful act and things, good, necessary and profitable for the said corporation, in as full and ample manner and form, to all intents, constructions, and purposes whatsoever, as any other corporation or body politic and corporate, fully and perfectly incorporated, may or ought to do; and that they the faid Trustees, and their successors, may have and use a common seal for the making, granting, and demissing of such their demises or leases, and for the doing of all and every other thing, touching or in any wife concerning or appertaining to the faid corporation; in which feal shall be engraven, Apollo directing Youth to the Temple of FAME. erected on a steep Hill, Fame sounding a Trumpet on the top of the Dome, with this motto, " Virtute & Eruditione;" and that the faid feal shall be deposited and kept in the hands of the Custos Rotulorum of the said parish of Portland for the time being.

Truftees to for the faid Free-School, and to appoint and rewhere, &c.

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IV. And be it further enacted by the authority aforesaid, That it build a house shall and may be lawful for the said Trustees, and their successors, to erect or build a proper house for the purpose of, and as and for a Free-School House, with proper and sufficient out-houses, and to enmovemafters, dow the same in proportion to their revenues; and, until such house can be conveniently built, to hire one, such as they shall think fit for the purpose, for the abiding, dwelling, and necessary use of one or more masters or ushers for instructing youth, without charge to their parents, in Reading, Writing, Arithmetic, Latin, Greek, the Mathematicks, and any other parts or branches of learning the faid Truftees shall think proper: and that they the said Trustees and their fuccessors, or the major part of them, shall have full power and authority to nominate and appoint such person or persons as they shall think proper or qualified to be Masters and Ushers of the faid School, provided that they be of the Christian Religion, of the Church of England, and are well affected to the Protestant Succession; and, upon any misbehaviour or disability, to remove the said Masters or Ushers, of any of them: and when any such place shall become vacant, by death, refignation or deprivation, the faid Trustees, and their succeffors, shall and may, within three months after such vacancy, by writing under their common seal, appoint one or more qualified as aforesaid, in place of them and every of them so dead, resigned, or deprived.

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V. And be it further enacted by the authority aforesaid, That the faid Trustees and their successors, or the major part of them, shall ! and may receive into the faid Free-School as many children as they which chilshall think proper in proportion to the revenues of the said School, dren are to be the children of the inhabitants of the faid town always to be prefer-difinisfed red to others; and upon any misbehaviour or inability, or upon their from the School, and attaining the age of eighteen years, to remove or discharge them or howthefunds any of them, and to take and receive others into the faid Free-School plied. in their place and stead: and that the said Trustees or their successors, or the major part of them, shall and may, from time to time, expend fuch fum or fums of money, in proportion to the revenues of the faid School, in and about the repairing, maintaining, upholding, or enlarging the faid School, and buildings thereunto belonging, as they shall think convenient, requisite and necessary.

VI. And be it enacted by the authority aforesaid, That the said Directions for Trustees and their successors, or the major part of them, shall and ment of faid may have full power and authority, under the faid common feal, to School. make, ordain and prescribe such rules and ordinances for the good order and government of the said Free-School, and of the said masters, ushers, and children, and for settling their and every of their stipends and allowances, as to them shall feem meet, convenient, and neceffary, and that the faid rules and ordinances, by them or the major part of them to made, ordained, and prescribed as aforesaid, shall stand and be in full force and strength in law, the same not being repugnant or contrary to his Majesty's prerogative, nor the laws and statutes of Great-Britain and this island; and that the said Trustees and their successors, or the major part of them, shall and may have full power and authority to visit the said School, and to order, reform, and redrefs all diforders and abuses in and touching the government and management of the same, in such manner and at such times as to them shall seem fit.

VII. And be it further enacted by the authority aforesaid, That it Trustees not shall not be lawful for any of the said Trustees, or their successors, to retain meto keep in his or their hands for above Thirty Days, or to apply to to the fund, his or their own use and herefit or to take or horrow on interest in their hand his or their own use and benefit, or to take or borrow on interest, beyond 30 any sum or sums of money given to or for the use of the said Free-days, or to School, or that shall arise or become due to the said Free-School for same to their interest or rent; nor shall they or any of them buy, sell, rent, or lease use, &c. to any or either of themselves, or to any other for their or any of their private use or benefit, any part of the lands aforesaid, or of any other lands, tenements, or hereditaments which may hereafter be given, lettled or purchased for the uses aforesaid.

VIII. And be it enacted by the authority aforefaid, That any per-

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1785. fon or persons offending, or acting contrary to the true intent and - meaning of this act, shall forfeit the sum of Five Hundred Pounds: Perfons off no one third to his Majesty, his Heirs and Successors, for and towards this act, how the Government of this island; one third for the use of the said Free-School; and the other third to the informer, or him or them who shall sue or prosecute for the same; to be recovered by bill, plaint, or information, in any of the Courts of Record of this illand, wherein no effoin, protection, or wager of law shall be allowed, or Non vult ulterius prosegui entered; any law, custom, or usage to the contrary notwithstanding.

of December.

An Act for the more effectually afcertaining and collecting the Transient Tax, payable for the Support of the Nightly Watch of the Town of Kingston; and for other Purpoles in the faid Act.

Preamble.

WHEREAS an act entitled, " An Act for the better preventing Mischiefs that may bappen by Fire in the Town of Kingflon; for the further regulating the Affixe of Bread, and the Nightly Watch in the faid Town; and for other Purpofes therein mentioned;" in fo far as relates to taxing of transient trading men, has been found ineffectual: May it please your Majesty that it may be enacted; Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly of this island, and it is bereby enacted and ordained by the authority of the same, That, from and after the thirty-first day of December, be dremed transient tra. in the prefent year of Our Lord one thousand seven hundred and ders, and how eighty-five, all persons who shall arrive at the said town or parish of Kingston, with goods or merchandize for sale, and who are not taxed upon the parish-rolls, shall be deemed transient traders; and that after the faid thirty-first day of December, in the year aforesaid, the Justices and Vestry of the said town or parish may, and are hereby authorised and required, to assess and tax such transient traders as often as they shall arrive at the said town; so as the sum or sums of money, at which such transient traders shall be affested, shall not exceed the fum of Two Pounds per centum on the amount of the invoice or invoices of fuch cargo or cargoes so by them imported; whether they fell the same by private or public sale, or by wholesale, retail, or through the medium of a vendue-master: And in case such transient trading person or persons shall neglect to produce his, her, or their invoice or invoices, to the faid Justices and Vestrymen, when required, it shall and may be lawful for the said Justices and Vestry-

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men, to assess such transient trader or traders, at the same ratio, upon the best information they can obtain of the true value of said cargo or cargoes: Provided always, That if any person so affested shall think themselves over-rated, they shall be redressed, on taking and subscribing the following oath in open Vestry; viz.

" A. B. being duly sworn on the Holy Evangelists, do solemnly de- Form of an 19 " pose and attest by this oath (or, being a Quaker, do solemnly taken, in orof affirm) that the invoice or invoices now by me produced, is or are der to obtain " the true, original, and genuine invoice or invoices of all the goods, redrefs, wares, merchandizes, flaves, or effects imported by me in the either on my own account, or as factor, agent, fu-" percargo, or in trust for others, or howsoever, for sale; and that " the same amounts to no more than the sum of current money " of Jamaica; and that I have not, under the cover of the name or " names of any of the inhabitants of this town, or by any other means, " directly or indirectly, attempted to evade the tax to which transient " traders are by the laws of this island liable.

SO HELP ME GOD.

" Sworn before me in open Vestry, this day of

Which oath, or affirmation, any one of the Justices present are hereby empowered to administer: Provided also, That if any tran- Transfert trafient trader shall, previous to entering the vessel and cargo at the ders, configning their ears Custom-House, consign his cargo for sale to any inhabitant within goes to any the faid parish (standing assessed with his parochial taxes in the parish paying taxes books) at the usual and accustomed commission charged on the sales not to be assi of such cargo, which cargoes of the same nature and from the same king the fola place are subject and liable to, for sales and remittances, and on lowing oath, fuch transfient trader taking and subscribing the following oath; viz.

I A. B. do swear (or, being a Quaker, do solemnly affirm) that I form of the 19 " did confign, previous to the entry at the Custom-House of oath. "Kingston, all the merchandize imported by me in the ship or vessel from C. either on my own account, or configned to me as agent or factor, in the faid vessel, to D. E. to whom I have agreed to give, and will allow the usual and accustomed commissions that are " charged by the merchants of Kingston, on goods configned from the Jame place, without any collusion whatever, by receiving back any part of the said commissions, or abatement, in order to evade the payment of the tax affeffed me by the Justices and Vestry, as a tranfient trader. SO HELP ME GOD.

" Sworn before me this day of

1785. And also, that the confignee or confignees of such cargo do, in corroboration thereof, take and subscribe the following oath; viz.

Form of an oath to be taken by the configure.

I A. B. do swear (or, being a Quaker, do solemnly affirm) that

'' C. D. master or supercargo of the from to

this port, hath duly consigned the cargo on board the said vessel to

me, and that I shall charge the sales thereof, with the usual and

customary commission that is charged for sales of the like commodities

from the said port of and that I have not agreed to, nor

will by any means whatever, either directly or indirectly, refund or

remit any part of the said commissions, either to the said C. D. or to

any other person or persons in trust for him, or the real and true

owner of the said property.

So HELP ME God.

" Sworn before me this day of

Perfons swearing falfely, how punishable. And in case any person taking any of the said oaths hereby appointed, shall thereby commit wilful and corrupt perjury, and be thereof convicted, he, for every such offence, shall incur the pains and penalties of the law for the same: Which oaths, or affirmations, any one of the Justices for the said parish are hereby authorized to administer; then, and in such case only, it shall and may be lawful for the Justices and Vertrymen aforesaid, to remit the whole of such Transient Tax.

Transient traders refusing to pay faid taxes, their goods to be seried on, &c. II. And be it further enacted, That if any transient trader or traders shall refuse to pay the taxes assessed on him or them by the Justices and Vestry, that then his or their goods or merchandize shall be immediately levied on; and if no distress can be had, that then the body or bodies of such transient trader or traders shall be liable to arrest, and held to bail, for the amount of the tax so assessed.

Paffe the 23d of December.

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An Act for establishing, disciplining, and regulating the Militia; for ascertaining who shall compose future Councils of War; and for other Purposes respecting the said Militia.

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ACT 21.
Preamble.

WHEREAS the act entitled, "An Act for fettling the Militia," hath been found by experience to be greatly defective, and not to answer the purposes intended; and, since nothing can contribute so much to his Majesty's service, and the lives and fortunes of the inhabitants of this island, as a constant and regular discipline in the ACT 21.

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e in the the Militia: may it therefore please your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is bereby enacted and ordained by the authority of the same, That all and every What persons person and persons whatsoever in this island, from the age of fixteen the Militia. to fixty years, excepting the Members of his Majesty's Council, the Speaker of the Assembly, and the Chief Justice of this Island, for the time being, and those who have born commissions, and who have not been degraded by sentence of a court-martial, shall (unless prevented by fickness, or some inevitable necessity) within four weeks, enlift under the captain of the foot or horse in the district in which he or they shall respectively reside, on pain of forfeiting the fum of Forty Shillings, to be levied by warrant under the hand and Forfeiture. feal of the colonel or commanding officer of the regiment of foot in fuch district: And, if the person against whom such warrant shall be issued shall refuse to pay the forfeiture incurred, he shall, by the faid warrant, be committed to the common gaol of the faid parith or precinct where he resides; and, in case there shall be no gaol in such parish or precinct, then to the county gaol, for the space of fortyeight hours, without bail or mainprife, unless he shall sooner pay the faid fine; and after payment of such forfeiture, or expiration of fuch imprisonment, such person shall remain liable again to be proceeded against in all respects as before, to compel him to enlist; and so toties quoties until he does enlist.

II. And, to the end that the colonel or commanding officer of the Clerks of Velfoot Militia in each parish may the better know who is, or who is not, lift to the enlifted in their respective regiments; Be it further enacted by the au- commanding thority aforesaid, That the Clerk of the Vestry in every parish within the persons this island do and shall, within fourteen days after each quarter-day, given in to fend to fuch colonel or commanding officer respectively, a list of the cy, under the names of the several persons given in to save deficiencies, upon pain penalty of and of forfeiting Twenty Pounds; to be recovered and levied by warrant under the hand and feal of any Magistrate or Justice of the Peace in the district where the omission or neglect of making such returns shall have happened; and which warrants all Magistrates and Justices of

the Peace are hereby empowered and directed to issue.

III. And, that none, under pretence of nominal or honorary commissions, may endeavour to screen themselves from the duty they owe their country, or think themselves exempted from the penalties of this act; Be it further enacted by the authority aforesaid, That all-Commissions commissions hereafter to be granted, appointing persons to the com-ing gunners, mand of, and as gunners and other officers to, nominal forts in this &c. to nomiilland, where there shall be no fortifications and guns, shall be deemed, clared void;

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VIII. and

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and are hereby declared to be, null and void; and all commissions and warrants, appointing to any actual fortification persons not refident in the parish where the same is situate; and all warrants, now or here. after granted to persons then resident in such parish, but who shall at any time afterwards remove to another, be, and the same are hereby declared void to all intents and purposes; and the several persons. whose commissions or warrants are hereby respectively annulled, shall be obliged to enlift themselves, in the same manner, and under the like penalties, as if such commissions had never been granted.

and the feveral perfons holding fuch commiffions obliged to enlift.

Who entitled to the com. miffiens of or ftaff-offi-

IV. And be it further enacted and ordained by the authority afore. fiid, That, from and after the passing of this act, no commission aids du camp, shall be granted, as aids du camp or staff-officers, to any person or persons whatsoever, but to such as already hold commissions in the Militia of this island, in rank not inferior to a captain.

V. And be it further en cted by the authority aforefaid, That every

Foot foldiers to appear properly accontred on

cers.

Penalty.

foot foldier be provided with a well-fixed musket and bayonet, and fuitable accoutrements; and shall, unless otherwise ordered, appear Seld-days, &c. so accourted on every muster and field-day appointed by the colone or commanding officer of the regiment, under the penalty of Fort Shillings, to be imposed and levied by warrant under the hand and feal of the colonel or commanding officer of the regiment or batta-

lion of foot Militia,

Uniforme.

VI. And be it further enacted by the authority aforefaid, That, within three months after the passing of this act, every private of foot shall appear, at such muster and field-days respectively, in a scarlet short coat, turned up with cuffs and collar of the colour of the regimental or battalion uniform, under the penalty of Three Pounds, to be levied by warrant under the hand of the colonel or commanding

officer of the regiment or battalion.

Troopers, how to be accoutred, &c.

And whereas, to render the regiments and troops of horse more ferviceable, it is highly expedient and necessary that they should be thoroughly instructed in the foot exercise; Be it therefore enacted by the authority aforesaid, That every private be provided with book and spurs, be dressed in the uniform of the troop to which he be longs, have a horse his own property, of the value of thirty pounds with a good bridle, faddle, holsters, crupper, and breastplate; good carbine and bucket, a cartouch-box, a pair of good horseman's pistols, a broad sword, and cross-belts and swivel; and shall, unless otherwise ordered, appear so accounted on every muster and field-day appointed by the colonel or commanding officer of the regiment of troop, under the penalty of Forty Shillings, to be imposed and levied by warrant under the hand and feal of the colonel or commanding officer of the regiment or troop, in manner hereinafter mentioned. and

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VIII. And be it further enacted by the authority aforefaid, That 1786. all and every the corps or companies of artillery now formed, or Corps of arhereafter to be formed, shall in future be attached to, and do duty tillery to do with the regiment or battalion of the parish or precinct to which duty with the they belong.

IX. And be it further enacted by the authority aforefaid, That no which they belong. private, in any regiment or troop of horse, shall remove to the foot, No private to and inversely, no private in any regiment or battalion of foot, shall remove himremove to the horse, without leave obtained from his commanding horse to the officer for that purpose, or sufficient cause shewn before a regimental foot, or from court-martial; or, in the case of a private of horie soliciting such the horse, removal, unless such private shall make oath, before the command- withoutleave, ing officer of the troop to which he belonged, that his circumstances will not admit of his providing himself according to the directions of this act.

X. And be it further enacted by the authority aforefaid, That the Commissione present Governor, or any future Governor or Commander in Chief in the Militia of this island, shall not, after the passing of this act, grant any com- granted to mission in the horse or foot Militia to any person or persons who is holders, &c. or are not freeholders in this island, except in the towns of Saint Jago de la Vega, Port-Royal, Kingston, Savanna-la-Mar, and Montego-Bay.

XI. And whereas it will greatly tend to the advancement and good Commanding of the service, that the colonel or commanding officer of a regiment form the or battalion should have it in his power to form the flank companies flank companies of fuch at his discretion; Be it therefore further enucled by the authority afore- men as they faid, That the colonel or commanding officer of every regiment or think proper. battalion have it in his power, and he and they is and are hereby accordingly empowered, to form the flank companies, by selecting from their respective regiments or battalions such men as to such colonel or commanding officer shall seem most fit and proper for that purpole, and also to form the other companies, in such manner as to such colonel or commanding officer shall seem best for the good of the fervice.

XII. And whereas it is both expedient and just, that the care of the public defence should extend equally to all; and since it is as fruitless to hope as unreasonable to expect, that men of small fortunes will cheerfully do their duty, when those who are in higher stations, and are more deeply interested, refuse and neglect it; Be it the refore enacted by the authority aforesaid, I hat no officer of horse or toot, No officer to thall throw up or refign his commission, unless by the order of the constitution Commander in Chief, or upon sufficient cause shewn before a gene-without reave, fal court-martial; but, if the cause so submitted shall be adjudged to cause.

regiment or battalion to

be infullicient, he shall be obliged to do duty under the commission he held; and, in case of refusal, be degraded, and sentenced to serve as a private in the regiment or troop of the parish where he resides.

Officers of brevet rink not to take com nidi as inferior to their former reg mental rank.

XIII. And be it further enacted by the authority aforefuld, That, from and after the passing of this act, all officers hereafter appointed to brevet rank, shall take such commissions as shall be tendered them, not inferior to their former regimental rank, or otherwise act and do duty under their former commission: Provided always, That nothing herein contained shall be construed to impeach or affect any brevet rank hertofore or in future to be granted in any duties of the line, or with mixed corps, but that in such cases all officers shall act and be obeyed according to such brevet rank, and not otherwise.

R formed ofmit to the Commander in Chief their respective mames, &c.

XIV. And be it further enacted by the authority aforefaid, That fice stotrant all reformed officers shall, within three months after the passing of this act, transmit to the Commander in Chief for the time being their respective names, ranks, and places of abode, with the dates of their feveral commissions; and shall, each and every of them, be hereafter obliged to accept and act under fuch commissions as shall be tendered to them in the regiment or battalion of the parish in which they refide, not inferior to the one they formerly held, on pain of being degraded, and obliged to enlift as a private.

Upon comgranted to re formed officers, no other officer of the regiment mall, on that million.

XV. And be it further enacted by the authority aforesaid, That missions being when and as often as the Commander in Chief shall think proper to grant such commissions to reformed officers, as the latter are compellable by this act to accept, it shall not be in the power of any other officers of the regiment, on that pretence, to throw up or refign their commissions, but they and each of them shall do duty under the gen his com- commission they then bore, in the same manner as if no such appointment had been made, on pain of being degraded, and compelled to enlift and serve as a private.

XVI. And whereas nothing can so much conduce to the attainment of those salutary ends for which a Militia is established, as that the exactest discipline and knowledge of the use of arms should fubfist amongst them; Be it further enacted by the authority aforefaid, Commanding That the colonel or commanding officer in every parish or precinct point a place within this island, of horse and foot, shall appoint places for the ex-for exercising ercising one or more troops or companies of their respective regiments or battalions, in a manner the least inconvenient, and shall order ereises enjoin- such troops or companies then to be exercised by the captains or commanding officer in the feveral parishes in this island once in every month, under the penalty of Fifty Pounds, upon proof made before a general court-martial, to be levied by warrant from the Commander in Chief for the time being.

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XVII. And be it further enacted by the authority aforesaid, That the captains or commanding officers of horse or foot respectively shall, Captains, &c. within three days after the time appointed for such exercise as afore- to make a faid, make a field-return of their companies or troops to the colonel field-return or commanding officer of their respective regiments or battalions, nel, who is to specifying the number of officers and privates who shall have appeared, fame to the the names of the abientees, and the defaulters in arms and accourre- Commander ments, under the penalty of Ten Pounds, to be levied by warrant under in Chief. the hand and feal of such colonel or commanding officer respectively; which said field-returns, or copies thereof, shall be transmitted by fuch colonel or commanding officer to the Commander in Chief on the first days of February and July in every year, under the penalty of One Hundred Pounds, to be levied by warrant under the hand and seal of the Commander in Chief for the time being, and directed to the Provost-Marshal-General of this Island, and applied as is herein after mentioned.

XVIII. And be it further enacted by the authority aforefaid, That Commanding the colonel or commanding officer in the district, whether of horse der a general or foot in this island, shall order a general muster of the troops or muster every companies respectively, in the most convenient and central place in under the pethe feveral parishes in this island, once in every three months, under nalty of 100%. the penalty of One Hundred Pounds, to be levied by warrant under the hand and feal of the Governor or Commander in Chief for the time being, and to be applied in the manner herein after mentioned.

XIX. And be it further enacted and ordained by the authority afore- And are to fix faid, That it shall and may be lawful for the commanding officer of places for that every regiment or troop of horse, regiment or battalion of foot Mili- purpose as he tiain this island, to fix upon such place or places in their respective dis- judge to be tricts or parishes, for such general musters, as he or they shall judge most most proper. proper, convenient, and fitting for that purpose; and that no colonel Not to be liaor commanding officer, fixing upon any fuch place or places, shall, ble to any action for the by reason or on account thereof, or of mustering, disciplining, or same, if such exercifing his or their regiment, troop, or battalion thereon, be liable grounds be not inelested to any indictment, action of trespass, action for damages, or other or cultivated. profecution or fuit whatever, provided such place of exercise shall not be in any cultivated or inclosed grounds.

XX. And be it further enacted by the authority aforefaid, That the Officers and Provost-Marshal-General of this island, or any of his deputies, shall privates pronot, on any pretence whatever, presume to take, arrest, detain, or persons and molest, for or on account of any mesne or judicial process whatever, when on duty. any commissioned, non-commissioned officer or private, or execute any levy or extent on any of the property, real or personal, of any commissioned, non-commissioned officer, or private, on the day they

or regimental courts-martial, or any other military duty; or if such commissioned, non-commissioned officer, or private, shall reside elsewhere than in any of the towns of this island, for the space of forty-eight hours thereafter, under the penalty of One Hundred Pounds for each offence, and being further liable to make reparation in damages

to the party aggrieved: and that every execution had or executed contrary to the spirit and meaning of this provision, be, and the same is hereby annulled, and rendered void to every intent and purpose.

Privates abfenting themfelves from duty, how punishable.

XXI. And be it further enacted by the authority aforefaid, That every private, either of horse or foot, who shall absent himself from duty on the day and at the place appointed, as is herein before mentioned, for exercising by troops or companies, or for a general muster of the regiment or battalion to which they may respectively belong. without some good and sufficient excuse, to be approved of by the commanding officer in the field, shall forfeit for the first offence Twenty Shillings; for the second, if committed in immediate succession, Forty Shillings; for the third, Five Pounds; and every subsequent default, Ten Pounds; to be levied on the offender's goods and chattels, by warrant under the hand and feal of fuch commanding officer as aforesaid, directed to the marshal of the regiment, who is hereby directed and required to execute the same: And, for default of goods and chattels, on which a levy can be made, the offender shall stand committed (by virtue of the warrant aforesaid, directed as aforesaid) to the common gaol or prison of the district in which he shall reside, there to remain, without bail or mainprise, for any time not exceeding twenty-four hours for the first offence, forty-eight hours for the second, three days for the third, and six days for every subsequent offence.

XXII. And whereas it is more immediately incumbent on the officers to discharge this part of their duty, and, by the promptitude of their obedience, to set a good example to the privates; Be it further enasted by the authority aspresaid, That every officer who shall absent himself from duty, on the day and place appointed for exercise or a general muster, as aforesaid, without some good and sufficient excuse to be approved of by the commanding officer in the field, shall forfeit for the first default as follows: a captain, Five Pounds; a lieutenant, cornet, ensign, or quartermaster, Three Pounds; a sergeant or corporal, Thirty Shillings; to be levied by warrant as aforesaid, under the hand and seal of their respective colonels or commanding officers of horse or soot; and, when a general muster shall be ordered, the field-officers shall forfeit as follows: a colonel, Twenty Pounds; a lieutenant-colonel, Fisteen Pounds; a major,

Officers abfenting themfelves from duty, how punishable.

Ten Pounds; to be levied by warrant as aforefaid, under the hand and seal of the Governor or Commander in Chief for the time being; and in case of any subsequent and wilful default on either of the occafions herein before mentioned, the faid officers respectively shall receive and fuffer such censure or fine as a court-martial shall think

proper to inflict.

ACT 21.

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XXIII. And be it further enacted by the authority aforefaid, That Privates not every private of horse or foot, so appearing on duty, whose arms and keeping their accourtements shall not be found in good order and condition for fer- proper order, vice, shall forfeit the sum of Twenty Shillings; or, in case of dis- how to be punished. ability to pay the same, shall be committed to the common gaol, for any time not exceeding Twenty-four Hours, or until he shall pay the fame; and that every private trooper or foot foldier who shall refule to obey his officer's lawful commands, or shall treat him, when in the field, with rude, affronting, or contemptuous language, shall, for every fuch offence, if found guilty by a court-martial, in manner herein after mentioned, be fined a fum not exceeding Five Pounds; or, in case of refusal, or disability to pay the same, shall be committed to the common gaol for any time not exceeding Five Days, or until he pay the fame.

XXIV. And whereas the best regulations become ineffectual, unless the observance of them be properly enforced; Pe it further enacted by the authority aforesaid, That, for the purpose of levying the Manner offefines, which by the provitions of this act are in such manner direct- and of coned to be levied, and for the trial of all offences committed against ducting trials for offences this act, or against any rules and articles of war that now are, or against this hereafter may be established, it shall and may be lawful for the Go-act. vernor, Lieutenant-Governor, or Commander in Chief for the time being, to grant commissions to the colonels or commanding officers of the regiments of horse, regiments or battalions of foot in this illand respectively, empowering them to hold, direct, or summon general or regimental courts-martial, when and as often as the exi-

gencies of their feveral regiments or battalions shall require.

XXV. And be it further enacted by the authority aforefaid, That Who are to all general courts-martial, held, directed, or fummoned, under fuch neral and recommission as aforesaid, shall consist at least of one field-officer, and simental fix other commissioned officers, of which none shall be under the tial. rank of a captain; and all regimental courts-martial at the least conlift of three commissioned officers: The members composing both or either of the faid courts to be summoned by warrant or order under the hand of the colonels or commanding officers directing such court-martial, three days inclusive previous to the time when the same is appointed to be holden.

XXVI. And

courts-martial

XXVI. And be it further enacted by the authority aforefaid, That every officer so summoned as aforesaid, who shall neglect, refuse, or ficers negled. omit to attend such general or regimental courts-martial, unless preing to attend vented by some inevitable accident, or sickness, certified on oath by the practitioner in physic or furgery attending him, shall, for every fuch neglect, refusal, or omission, forfeit the sum of Ten Pounds. to be levied by warrant under the hand and feal of the colonel or commanding officer.

The person to general courtmartial to notice; and, notice, and nifbed.

XXVII. And be it further enacted by the authority aforefaid, That be tried by a the person to be tried by a general court-martial shall have five days notice in writing, and by a regimental court-martial, two days, of have five days the time and place where it is appointed to be holden, and of the by a regimene charge to be preferred against him; and if the person so served shall tal, two days: not appear, or fend satisfactory reasons for his absence; or, if evidence be given of his keeping out of the way, to avoid the service of notattending, such notice, he shall stand convicted of the offence in such notice contained, and incur such punishment as the court would have adjudged, had his guilt been established at a trial.

Members of all courtsmartial to take an oath.

XXVIII. And be it further enacted by the authority aforefaid. The all courts-martial, before any proceedings had against the offender, the members thereof shall take the following oath upon the Holy Evangelists, before the Judge-Advocate or his deputy, or by the clerk appointed by the prefident of the court, who are hereby respectively empowered to administer the same: That is to say,

The oath.

" VOU shall well and truly try and determine, without partiality, " favour, or affection, according to evidence in the matter now " before you, between our Sovereign Lord the King and the offender to " be tried; and you shall not, upon any account, at any time what so-" ever, disclose or discover the vote or opinion of any particular mem-" ber of the court-martial, unless required to give evidence thereof as " a witness by a court of justice, in a due course of law.

" SO HELP YOU GOD."

XXX. And

Perfons giving evidence at courtsmartial to be fworn;

and, taking a falle oath, how punishable.

XXIX. And be it further enacted by the authority aforesaid, That all courts-martial constituted by this act, shall have full power an authority to administer an oath to any witness or witnesses produced at the trial of any offences before them; and that the person taking a false outh, or procuring or suborning any other so to do, shall be liable to a profecution at law; and, if convicted, shall suffer the like pains and penalties as, by the laws and statutes of Great-Britain and this island, are provided against and inflicted on persons guilty of perjury, or subornation of perjury.

ACT 21. hat

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XXX. And be it further enacted by the authority aforefaid, That no 1786. judgment shall be given in any court-martial against an offender, but No judg what shall have the concurrence of the majority of the members pre- ment to be fent; and that the judgment of a regimental court-martial, when given without the concurpronounced and declared by the prefident, shall not be subject to any rence of the revision, or require any confirmation of the Commander in Chief, or majority. The judgother; but that, in case of disobedience thereto, the president is ment of regihereby required and empowered, by warrant under his hand and feal, mental courte directed to the marshal of the regiment, to commit the offender to conclusive. the common gaol of the diffrict, there to remain, without bail or thereto, how mainprife, for any time not exceeding fix days, or until he conform punishable. himself to the sentence.

XXXI. And be it further enacted and ordained by the authority Judgments of aforesaid, That the judgment of a general court-martial, when pro-martial to be nounced and declared by the president, shall not (provided it does conclusive. not extend to degradation) be subject to any revision, or require any confirmation of the Commander in Chief, or other; but that, in case Disobedience of disobedience thereto, the president is hereby empowered and re-thereto, how punishable. quired, by warrant under his hand and feal, directed to the marshal of the regiment, to commit the offender to the common gaol of the district, there to remain without bail or mainprise, for any time not exceeding fix days, or until he conform himself to the sentence.

XXXII. And be it enacted by the authority aforefaid, That, Commanding the more effectually to enforce this act, the colonel or commanding battalion to officer of each battalion is hereby empowered to appoint a marshal or appoint a marshals for the same, by warrant under his hand and seal; which marshal so appointed shall not refuse to act in conformity to this law, under a penalty to be imposed by a regimental court-martial, not exceeding Ten Pounds.

XXXIII. And be it further enacted, That when any officer of the Officers re-Militia shall remove from one parish to another, he shall notify the moving from same to his colonel or commanding officer, who shall thereupon another, how grant him permission so to do, in writing, directed to the colonel or commanding officer of the parish or precinct to which such officer removes, and shall forthwith inform the Governor or Commander. in Chief for the time being thereof; and from thenceforth the post or station of such officer shall be deemed vacant, and the same may and shall forthwith be filled up by a new commission; and such officer. temoving, shall forthwith be enrolled in the regiment or battalion of the parish or precinct to which he shall so remove, notwithstanding there shall be no vacancy in the company, troop, regiment or battalion, and shall thenceforth, without taking out any new or other commission, act and do duty en seconde to the officer or officers of

And

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Who fhall compose fu-

of war.

ture councils

his rank in that parish or precinct to which he shall so remove, until a vacancy in his rank shall happen, upon pain of being degraded by the sentence of a general court-martial; and all other inferior officers

and foldiers are hereby enjoined to obey him as their officer.

XXXIV. And whereas it is proper and necessary that it should be ascertained who shall compose future Councils of War; Be it therefore enacted, That, for the future, all Councils of War shall consist of the Governor or Commander in Chief for the time being, the feveral members of the Privy Council of this island for the time being, the Speaker and the members of the Affembly for the time being, gene. ral officers of the Militia, field officers actually commanding regiments or battalions, and the field officers of fuch respective regis ments or battalions of the Militia in actual commission for the time being; and no other person whatever shall have a right to sit, debate,

be a quorum of the faid Council of War.

In eafe the Affemblyfhall be diffolved, &c, the late members to act in a council of war.

XXXV. And be it further enacted and ordained by the authority aforefaid, That in case it shall at any time happen that the Assembly of this island shall be dissolved, or otherwise at an end, and it shall be necessary, before any new Assembly shall meet, to summon a Council of War, the members of the then late Assembly shall have a right to fit as members of fuch Council of War, and debate and vote thereat in the same manner as before the dissolution or termination of fuch Assembly.

and vote thereat; and that twenty-one of the abovementioned persons

XXXVI. And whereas the appearance of public danger, by invasion or otherwise, may sometimes make the imposition of martial law necessary; yet as, from experience of the mischiefs and calamities attending it, it must ever be considered as amongst the greatest of evils; Be it enacted and ordained by the authority aforesaid, That it shall not in future be declared or imposed, but by the opinion and advice of a Council of War, confifting as aforefaid; and that, at the end of thirty days from the time of fuch martial law being declared, it shall ipfo facto be determined, unless continued by the advice of a Council of War, confisting as aforefaid.

Martial law not to be impofed but by advice of a council of War

Commander in Chief empowered to remove the Militia as he hall think proper,

fredbrants,

XXXVII. And be it further enacted and ordained by the authority aforefaid, That whenever there thall be occasion, during martial law to remove the Militia; or any detachment of them, to head-quarters, or from one place to another, the Governor or Commander in Chief for the time being shall give such orders for regulating their march as he shall think proper; and the colonels or commanding officers of Colonels, &c. luch regiments, battalions, troops, companies, or detachments which to procure re. shall be so ordered to march, shall, as they are hereby empowered and required to do, procure refreshments for their parties, so that

fuch

fuch refreshments do not exceed the sum of five shillings for each man 1786. for twenty-four hours; and impress, or cause to be impressed, such and impress a number of wains, carts, cattle, and mules, for carrying of bag- wains, &c. gage, as shall be necessary on such march; giving proper certificates siving certifito the persons supplying such refreshments, as also to the owners of ewners; fuch wains, carts, cattle, and mules as shall be impressed.

XXXVIII. And be it further enacted by the authority aforefaid, and not liable That no colonel, or other officers commanding any fuch regiments, tions for the troops, battalions, or detachments, and who shall impress, or cause same. to be impressed, any wains, carts, cattle, or mules, for the purpose aforefaid, shall be liable to any profecution, action, or suit whatever, for or on account of the lame.

XXXIX. And be it further enacted by the authority aforefaid, That Duty of the it shall for the future be the duty of all horse, in times of martial expresses. law, to carry expresses as heretofore they were used to do, under the like pains and penalties in every respect as persons refusing to enlist are herein before subjected to, except dispatches to Port-Royal, Exceptions, which are hereby directed and required to be left with the main guard at Kingston, Passage-Fort, or Port-Henderson, who shall forward fuch dispatches into Port-Royal; and that no trooper shall hereafter be posted at any station out of his own parish, for the purpole of carrying dispatches; and that it shall not be lawful to send by a trooper any field-returns, muster-rolls, or any dispatches relative to the regiments or battalions of foot Militia, unless the same be directed to the Governor or Commander in Chief for the time being; and that every person sending a dispatch shall write his name on the outfide of the dispatch paper; and that no person whatsoever shall Penalty on presume to fend any dispatch by a trooper, which is of a private na- persons sendture, or any otherwise than as herein before mentioned, under the trooper any penalty of One Hundred Pounds for each offence, to be levied by a private nawarrant of the colonel or commanding officer as aforefaid; nor shall ture. it be lawful for the meffenger of public dispatches to charge any The public trooper with any dispatch which, by virtue of his office and the sa- to charge lary thereto annexed, he ought to forward, under the penalty of troopers with One Hundred Pounds for every such offence, to be levied by warrant sages. under the hand and feal of the Governor or Commander in Chief for the time being.

XL. And be it further enacted and ordained by the authority afore- Offenders a. faid, That for all offences which shall be committed in martial law, sainst this are either against this present act, or any articles of war that may be in may be tried force, the courts-martial for the trial of such offences shall confist as without preherein before mentioned; and that no previous notice of such trial or trials be necessary, but that the offender, if a private, may be im-

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wered that fuch 1786. mediately committed to gaol, and if an officer may be put under arrest.

XLI. And be it further enacted by the authority aforefaid, That if Officers fummoned, and any officer, who shall be summoned or ordered on any court-martial refunng to in time of martial law, shall refuse or decline giving such attendance, attend courts' martial, to be every such officer so refusing or declining shall be liable to be tried tried. by a court-martial, and to the fentence thereof.

Persons fued lawfully done under this the general iffue,

and be allowed common cofts, and cofts of inereale.

XLII. And be it further enacted by the authority aforesaid, That for any thing if any person whatsoever shall be sued for any thing lawfully commanded or done in execution and pursuance of this act, or the bean, to plead fore-recited act, he shall plead the general iffue, and give the special matter in evidence; and if a verdict be found for the defendant, or the plaintiff be nonfuited in any action or fuit so to be commenced, fuch defendant shall not only have the common costs of suit, but also all fuch fums of money shall be allowed and taxed as costs of increase to fuch defendant by the proper officer, as fuch defendant shall have expended out of purie, laid out, been at, put to, or sustained in and about the defence of such suit; any law, custom, or usage to the contrary notwithstanding.

Marfhalofthe regiment to execute warrants.

Application of the facs.

XLIII. And be it further enacted by the authority aforesaid, That all warrants for fines imposed, or which shall be imposed by virtue of this act, (fave and except fuch warrants as are hereby directed to be issued under the hand of the Governor or Commander in Chief for the time being), shall be directed to the marshals of the respective regiments or battalions in which such fines shall be imposed: who are hereby empowered, authorised, and directed, to execute the same, and who shall be entitled to deduct from such fines at the rate of twenty-five pounds per centum, for his or their trouble in executing and levying the same: all which fines (except as aforesaid) shall be paid into the hands of the colonels or commanding officers of the respective regiments or battalions in which such fines shall be impofed, and by them applied, or so much thereof as shall be necessary, to the procuring of drums, fifes, colours, standards, and trumpets, for their respective regiments or battalions; and the overplus (if any) to be by them accounted for, and paid annually into the hands of the Receiver-General for the time being, towards the support of the government of this island.

Anes, figned mander in Chief, to be directed to the Provoft-Marhal-Ge-Beral

XLIV. And be it further enacted by the authority aforesaid, That all warrants for warrants for fines, imposed and to be levied by this act, which shall by the Com- issue under the hand of the Governor or Commander in Chief for the time being, shall be directed to the Provost-Marshal-General of this island for the time being, who is hereby authorised, empowered, and directed to execute the same; which fines shall be by such Provost-Marshal paid into the hands of the Receiver-General, towards the support of the government of this island.

XLV. And he it further enacted by the authority aforefaid, That Adjutants to the adjutant of each regiment or battalion do, in a book to be kept keep exact ac for that purpose, enter and keep a fair and exact account of the re- receipt and ceipt and application of all fines, which shall be levied by virtue of application of this act, and paid into the hands of the colonel or commanding officer.

XLVI. And he it further enacted and ordained by the authority Judge-Advoaforesaid, That records and minutes of the proceedings of the courts- minutes of martial, and of the receipts and application of the fines imposed by courts marthis act, shall be regularly kept by the Judge-Advocate, or his deputy, and be open to the perusal and inspection of every officer of the

regiment.

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XLVII. And be it further enacted by the authority aforesaid, That Continuance this act, and every clause, matter and thing therein contained, shall continue and be in force from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eightyfix, until the thirty-first day of December, which will be in the year of Our Lord one thousand seven hundred and eighty-nine, and no longer.

An Act to regulate the Trials of controverted Elections, or Patient the and Returns of Members to serve in Assembly.

THEREAS the present mode of decision upon petitions com- ACT 22. plaining of undue elections, or returns of Members to ferve Preamble. in Assembly, frequently occasions much expence, trouble, and delay, to the parties; is defective for want of those fanctions and solemnities which are established by law in other trials, and is attended with many inconveniences: For remedy thereof, We, your Majesty's dutiful and loyal subjects, the Assembly of Jamaica, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Lieutenant-Governor, Council, and Affembly, of this your Majesty's island of Jamaica, and it is bereby enacted and ordained by the authority of the Jame, That after the end of the present session of Assembly, whenever whenever a a petition complaining of an undue election or return of a Member plaining of or Members to serve in Assembly, shall be presented to the House of undue elec-Affembly, a day and hour shall be by the said House appointed for tak- sented to the ing the same into consideration, and notice thereof shall be forthwith to be appoint given by the Speaker to the petitioners and fitting Members, or their ed for confi-

respective notice given

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respective agents, accompanied with an order to them to attend the House at the time appointed, by themselves, their counsel or agents: Provided alfo. That the House may alter the day and hour members, &c. fo appointed for taking into confideration fuch petition, and appoint some subsequent day and hour for the same, as occasion shall require, giving to the respective parties the like notice of such alteration, and order to attend the House on such subsequent day and hour as aforefaid.

Notice to be given the parties of the day appointed,

II. And be it enacted by the authority aforefaid, That if several parties, on distinct interests or grounds of complaint, shall present separate petitions complaining of undue elections or returns of Members to serve in the Assembly, the like notice and orders as aforesaid shall be given to all such parties, or their respective agents: Provided always, That no fuch petition shall be taken into consideration within feven days after the fame is presented; but that every such petition shall be presented within fourteen days after the return, to which it relates, shall be brought into the House.

Provifo.

On the day taking fuch petition into that bufinefs to precede all others.

require attendance of

If lefs than twenty-five members attend, the cleetion bufinefs to be adjourned.

III. And be it further enacted by the authority aforefaid, That on appointed for the day appointed for taking any fuch petition into confideration, the House shall not proceed on to any other business whatsoever, except confideration, the swearing of Members, previous to the reading of the order of the day for that purpose; and that, at the time appointed for taking fuch petition into confideration, and previous to the reading the or-Meffenger to der of the day for that purpose, the Messenger shall be directed to go to the places adjacent, and require the immediate attendance of the the members. Members on the bufiness of the House; and that, after his return, the House shall be counted, and if there be less than twenty-five Members present, the order for taking into consideration such petition shall be immediately adjourned to a particular hour on the following day (Sunday and Christmas-day always excepted) and the House shall then adjourn to the said day, and the proceedings of all committees, subsequent to such notice from the Messenger, shall be void; and on the faid following day, the House shall proceed in the fame manner, and fo from day to day, until there be an attendance of twenty-five Members at the reading the order of the day to take such petition into confideration.

IV. And be it further enacted by the authority aforesaid, That if after fummoning the Members and counting the House as aforesaid, twentyfive Members shall be found to be present, the petitioners by themselves, ers, &c. to at their counsel or agents, and the counsel or agents for the fitting Members, shall be ordered to attend at the bar; and then the door of the House The door of shall be locked, and no Member shall be suffered to enter into, or depart belocked, and from the House, until the petitioners, their counsel or agents, and

When twenty-five members attend, the patitiontend at the bar.

tire

the counsel or agents for the sitting Members, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked as aforefaid, the order of the day shall be read, and the names enter or deof all the Members of the House written or printed on distinct pieces part. of parchment or paper, being all as near as may be of equal fize, and Manner in rolled up in the same manner, shall be put in equal numbers into hallbedraws two boxes or glasses, to be placed on the table for that purpose, and for nineteen shall there be shaken together; and then the Clerk attending the House, shall publicly draw out of the said two boxes or glasses, alternately, the faid pieces of parchment or paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until nineteen names of the Members then present be drawn: Provided always, That if the name of any Member who shall have given his vote at the election fo complained of as aforefaid, or against whose return a petition shall be then depending, or whose return shall not have been brought in fourteen days, shall be drawn, his name shall be set aside with the names of those who are absent from the House: Provided also, That if the name of any Member who shall have served Proviso. upon any fuch felect committee during the same session be drawn, he shall, if he requires it, be excused from serving again on such select committee, unless the House shall have resolved that the number of Members who have not served on such select committee in the same. is insufficient to fulfil the purposes of this act, respecting the choice of such select committee: Provided a ways, That no Member who. after having been appointed to serve on any such select committee, shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such select committee.

V. And be it further enacted by the authority aforesaid, That if Members, on any Member shall offer and verify upon oath any excuses, the sub- ons, may be stance of the allegations so verified upon oath, shall be taken down excused from by the Clerk, in order that the fame may be entered on the Journals feled conof the House, and the opinion of the House shall be taken thereon; mittee, and others drawn and if the House shall resolve that the said Member is unable to serve, to supply or cannot without great detriment serve in such select committee, he their places. hall also be excused from such service; and that, instead of the Members so set aside and excused, the names of other Members shall be drawn, who may in like manner be fet aside or excused, and others drawn to supply their places, until the whole number of nineteen Members, not liable to be fet afide or excused, shall be complete; and the petitioners, or their agents, shall name one, and the sitting Mem- Petitioner pers, or their agents, another, from among the Members then pre- member, each tent, whole names shall not have been drawn, to be added to those member, to be

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who have been so chosen by lot: Provided always, That either of the Members so nominated, shall or may be set aside for any of the fame causes as those chosen by lot, or who shall, if he requires it. be excused from serving on the said select committee; and the party who nominated the Member fo fet afide or excused, shall nominate another in his stead, and so to continue to do as often as the case shall happen, until his nominee is admitted.

After nineare ie chofen. of the Honfe

nels.

Petitioner and fitting member alternately to of the nineteenmembers till they are reduced to eleven, &cc.

two nominated members are to be added.

Select committee to try and determine the merits of the return.

Previfo.

VI. And be it further enacted by the authority aforefaid, That a teenmembers foon as the faid nineteen Members shall have been so chosen by lot. then the door and the two Members to be added thereunto shall have been nominated as aforesaid, the door of the House shall be opened, and the and the House House may proceed upon other business, and lists of the nineteen may proceed Members, so chosen by lot, shall be given to the petitioners, their counsel or agents, and the counsel or agents for the fitting Members, who shall immediately withdraw, together with the clerk appointed to attend the faid felect committee, and the faid petitioners and fitting Members, their counsel or agents, beginning on the parts of the petitioners, shall alternately strike off one of the said nineteen Members Brike off one until the faid number shall be reduced to eleven; and the faid clerk shall within one hour at farthest, from the time of the parties withdrawing from the House, deliver into the House the names of the eleven Members then remaining; and the faid eleven Members, to-To which the gether with the two Members nominated as aforesaid, shall be sworn at the table well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence, and shall be a select committee to try and determine the merits of the return or election, appointed by the House to be that day taken into confideration; and the House shall order the said select committee to meet at a certain time, to be fixed by the House; which time shall be within twenty-four hours of the appointment of the faid felect committee, unless a Sunday or Christmas-Day shall intervene; and the place of their meeting and fitting shall be some convenient room or place adjacent to the House of Assembly, properly prepared for that purpole.

VII. Provided always, and be it further enacted by the authority afort faid, That if upon the drawing out the name of any Member by lots aforesaid, the said petitioners or sitting Members, or their agents, shall declare that such Member is intended to be one of the two nominees to be nominated by them respectively; and if such Member shall confent to such nomination, the name of such Member so drawn by lot shall be set aside; and, unless objected to as aforesaid, he shall serve as fuch nominee, and the name of another Member shall be drawn to supply his place, to complete the number of nineteen Members to be drawn

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drawn bf by lot; and if the faid petitioners or fitting Members, or their agents. thall not respectively nominate a Member then present, who shall be admitted according to the directions of this act, then the want of fuch nomination shall be supplied by drawing out instead thereof the name of one or two Members, as the case shall require, who shall be drawn by lot in like manner, and subject to the like objections and excuses as the other nineteen Members already drawn by lot, and shall be added to the lifts of the faid Members, and shall be liable to be struck off in the same manner, leaving always the number of thirteen Members in the whole, and no more, as a Select Committee for the purof the property

poles aforesaid.

VIII. And, for greater certainty and dispatch in the proceedings Methods to herein before directed and described; Be it further enacted by the au- beobserved in thority aforefaid, That the names of all the Members fo written and day previous rolled up as herein before directed, shall, previous to the day ap- into confider. pointed for taking any such petition into consideration, be prepared ation petiby the Clerk, and by him put into a box or parcel, in the presence ing elections. of the Speaker, together with an attestation figned by the said Clerk. purporting that the names of all the Members were by him put therein, the day of in the year which faid box or parcel the Speaker shall seal, with his own seal, and to the outside thereof shall annex an attestation, signed by himself, purporting that the faid box or parcel was, on the day of in the year made up in his presence, in the manner directed by this act; and that as foon as the parties shall be withdrawn as aforesaid, and before the House shall enter on any other business, any Member may require, that the names of all the Members which remain undrawn, shall be drawn, and read aloud by the Glerk.

IX. And be it further enacted by the authority aforefaid, That the Directions for faid Select Committee shall, on their meeting, elect a Chairman from the proceedamong fuch of the Members thereof as shall have been chosen by lot; Select Comand if, in the election of a Chairman, there shall be an equal number of voices, the Member whose name was first drawn in the House shall have a casting voice; so likewise, in case there should be an occasion for electing a new Chairman, on the death or necessary ab-

ience of the Chairman first elected.

X. And be it further enacted by the authority aforesaid, That the Their powfaid Select Committee shall have power to send for persons, papers, ers. and records, and shall examine all the witnesses who come before them upon oath, and shall try the merits of the return or election, or both, and shall determine, by a majority of voices of the said Select Committee, whether the petitioners or the fitting Members, or either of them, be duly returned or elected, or whether the election

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determina-

be void; which determination shall be final between the parties, to all intents and purposes: And the House, on being informed thereof The House to by the Chairman of the said Select Committee, shall order the same to be entered on the Journals of the House, and give the necessary directions for confirming or altering the return, or the issuing a new writ for a new election, or for carrying the faid determination into execution, as the case may require.

Not to adjourn for more than 24 hours, without leave of the House, &c.

XI. And be it further enacted by the authority aforefaid, That the faid Select Committee shall sit every day (Sunday and Christmas-Day only excepted) and shall never adjourn for a longer time than twentyfour hours, unless a Sunday or Christmas-Day intervene, without leave first obtained from the House, upon motion, and special cause affigned for a longer adjournment; and, in case the House shall be sit. ting at the time to which the faid Select Committee is adjourned, then the business of the House shall be stayed, and a motion shall be made for a further adjournment for any time, to be fixed by the House, not exceeding twenty-four hours, unless a Sunday or Christmas-Day intervenc.

XII. And be it further enacted by the authority aforefaid, That where the time prescribed by this act for the meeting, sitting, or adjournment of the faid Select Committee shall, by the intervention of a Sunday or Christmas-Day, exceed twenty-four hours, such meeting, fitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such

Sunday or Christmas-Day.

No member of the Select Committee to absent himfelf, without leave from the Noule.

XIII. And be it further enacted by the authority aforesaid, That no Member of the faid Select Committee shall be allowed to absent himfelf from the same, without leave obtained from the House, or an excuse allowed by the House, at the next sitting thereof, on special eause shewn, and verified upon oath; and the said Select Committee shall never sit, until all the Members to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the faid Select Committee shall have been adjourned, a further adjournment shall be made in the manner herein before directed and reported, with the cause thereof, to the House.

XIV. And be it further enacted by the authority oforesaid, That the Chairman of the faid Select Committee shall, at the next meeting of the House, always report the name of every Member thereof, who shall have been absent therefrom, without such leave or excuse as aforesaid; and such Member shall be directed to attend the House at the next fitting thereof, and shall then be ordered to be taken into custody of the Messenger, for such neglect of his duty, and otherwise

punished

punished or censured, at the discretion of the House; unless it shall appear to the House, by facts specially stated, and verified upon oath, that such Member was by a sudden accident, or by necessity, prevented from attending the faid Select Committee.

XV. And be it further enacted by the authority aforesaid, That if more than two Members of the faid Select Committee shall, on any account, be absent therefrom, the said Select Committee shall adjourn in the manner herein before directed, and so from time to time, un-

til eleven Members are affembled.

XVI. And be it further enacted by the authority aforefaid, That in The Select case the number of Members able to attend the said Select Committee diffolved, in shall, by death or otherwise, unavoidably be reduced to less than eleven, case its number is reduced and shall so continue for the space of three fitting days, the said Se- by death to lect Committee shall be dissolved, and another chosen to try and de-less than eletermine the matter of fuch petition in manner aforesaid; and all the proceedings of the faid Select Committee shall be void, and of no effect.

XVII. And be it further enacted by the authority aforefaid, That if The Silest the faid Select Committee shall come to any resolution, other than the Committee may report determination aforefaid, they shall, if they think proper, report the any interinefame to the House for their opinion, at the same time that the Chair-did to the man shall inform the House of such determination; and the House House, and may confirm or disagree with such resolution, and make such orders may confirm thereon, as to them shall seem proper: Provided always, If any per- or disagree with the same, fon fummoned by the said Select Committee shall disobey such summons, or if any witness before such Select Committee shall prevaricate, or otherwise misbehave in giving or refusing to give evidence, the Chairman of the said Select Committee by their direction may, t any time during the course of their proceedings, report the same to the House, for the interposition of their authority, or censure, as the case shall require: Provided always, That if the said select com- Proviso. mittee shall have occasion to apply or report to the House, in relation to adjournment of the faid select Committee, the absence of the Members thereof, or the non-attendance or mitbehaviour of witneses summoned to appear or appearing before them, and the House hall be then adjourned to any particular day, the faid Select Committee may also adjourn to the day appointed for the meeting of the House.

XVIII. And be it further enacted by the authority aforesaid, That Deliberating whenever the said Select Committee shall think it necessary to deli- ion, whether berate amongst themselves, upon any question which shall arise in the intermediate course of the trial, or upon the determination thereof, or upon any sel-a Comresolution concerning the matter of the petition referred to them as mittee may aforesaid,

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aforesaid, as soon as the said Select Committee shall have heard the evidence and counsel on both sides, relative thereunto; the room or place wherein they shall fit shall be cleared, if they shall think proper, while the Members of the faid Select Committee confider there. of: and all fuch questions, as well as such determination, and all other resolutions, shall be by a majority of voices; and if the voices shall be equal, the Chairman shall have the casting voice: Provided always, That no such determination as aforesaid thall be made, nor any question be proposed, unless eleven Members shall be present; and no Member shall have a vote on such determination, or any other question or resolution, who has not attended during every sit. ting of the faid Select Committee.

The naths taken in the House to be adminiftered by the Clerk; and those before the Sele & Committee, by the clerk attending

Punishment for perjury.

them.

XIX. And be it further enacted by the authority aforefaid, That the oaths by this act directed to be taken in the House, shall be administered by the Clerk, in the same manner as the oaths of supremacy and allegiance are administered in the House of Assembly; and that the oaths by this act directed to be taken before the faid Select Committee shall be administered by the Clerk attending the said Select Committee; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House, or the said Select Committee, in consequence of the oath which they shall have taken by direction of this act shall, on conviction thereof, incur and fuffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable to, by the laws of this island.

Continuance of this act.

XX. And be it further enacted by the authority aforefaid, That this act shall continue and be in force from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-fix, until the thirty-first day of December, which will be in the year of Our Lord one thousand eight hundred, and no longer,

Passed the and An Ast for repealing so much of an Ast of this Island, passed of December. of December. in the year of Our Lord one thousand seven hundred and eleven, entitled, " An Act for regulating Fees," a establishes the Fees of the Collector, Naval-Officer, Secretary, and Receiver-General, for entering and clearing all Vessels trading to and from this Island, and for regulating the Fees of the several Officers concerned in entering and clearing all such Vessels, and for making certain 1786. Provisions for the better Management of the Offices therein mentioned.

THEREAS the Fees at present established by an act of the ACT 23. Legislature of this island, passed in the year of Our Lord Preamble. one thousand seven hundred and eleven, entitled, " An Act for regulating Fees," are inadequate, and the faid act is, in other respects, Fee law of defective, inasmuch as no provision is therein made for certain offi- 1711, defeccers of the Customs concerned in the entry and clearance of all veffels trading to and from this island, whereby great difficulties have arisen, and new and exorbitant demands have been made by some of fuch officers, to the great injury of the general interest of this island, and the oppression of its inhabitants: And whereas it has become neeessary to increase some of the Fees in the said recited act specified, in order to make such provision for the business to be performed as shall be adequate to the trouble thereof, and tend to prevent future exactions and oppressions: Be it therefore en ited by the Lieutenant-Governor, Council, and Assembly of this island, and it is bereby enacted and or dained by the authority of the same, That such part of the faid Such part of act of one thousand seven hundred and eleven, entitled, " An Act as relates to for regulating Fees," as establishes the Fees upon entering and clear- fees on entering and clearing all vessels trading to and from this island, of the Collector, Na- ing vessels, val-Officer, Secretary, and Receiver-General, shall be, and the same &c. repealed. is hereby declared to be repealed and made null and void; any thing in the faid act contained to the contrary in anywife notwithstanding.

II. And be it further enacted and ordained by the authority aforesaid; That the Fees of the feveral offices and officers herein after named Enablishment shall, from and after the thirty-first day of December, in the present of fees. year of Our Lord one thousand seven hundred and eighty-fix, be as follows, except for vessels trading to and from this island, under an act of the Parliament of Great-Britain, commonly called the Free-Port Act:

To the COLLECTOR.

For entering or clearing each floop or schooner trading to or from Collector's this island, having a cargo on board; registering the company of fuch veffel; granting permit to load or unload; and for all other services respecting such entry or clearance, not herein after mentioned, one pound ten shillings:

For every brig, fnow, bark, or thip, two pounds ten shillings: For a new register, except such original register as is required and directed to be made and taken out under and by virtue of an act of

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the Parliament of Great-Britain, passed in the twenty-fixth year of the reign of his present Majesty, entitled, " An Act for the further Increase and Encouragement of Shipping and Navigation," two pounds:

For endorfing a register, twelve shillings and fix pence:

For each coffee certificate, for coffee exported to Great-Britain, seven shillings and fix pence:

For each certificate to cancel bonds for all or such part of the cargo as may be required, twelve shillings and fix pence;

For cancelling by certificate each bond granted here, five shillings:

For a bill of stores, three shillings and nine pence:

For a post-entry, seven shillings and fix pence: For long-boat papers, seven shillings and six pence:

For entering or clearing a drogger, every service included, two shillings and fix pence;

For entering into the non-enumerated bond, two shillings and fix pence:

For every Isle of Man bond, two shillings and fix pence.

To the SECRETARY.

Secretary's

For entering each veffel; taking the bond; granting certificate to the Naval-Officer; also administering the oath respecting the carrying flaves from this island, and all other services; one pound five shillings:

For the let-pass and clearing each vessel, fifteen shillings:

For every fort pass, two shillings and fix pence:

For every drogging pass to regular droggers only, to be taken out every fix months, one pound two shillings and fix pence:

For each ship's register, one pound five shillings: For entering each protest, one pound five shillings:

For taking out each protest, twelve shillings and fix pence.

Naval Offcer's fecs.

To the NAVAL-OFFICER. For entering all vessels from Great-Britain and Ireland; examining and recording certificate that bonds are given according to the act of navigation; and examining all cockets, bills of stores, and certificates of the freedom of the ship, and taking an account of the fame, together with all goods that are liable to duty, and certifying the same, with the marks, numbers and packages, to the Collector and Receiver-General; and making out quarterly lifts of the fame to his Majesty's Board of Trade, two pounds ten shillings:

For clearing all vessels as above, two pounds ten shillings:

For entering all vessels from North-America and the Spanish Main, in the same manner as above, one pound five shillings:

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For clearing all veffels as above, one pound ten shillings: For clearing all vessels trading round the island, two shillings and fix

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pence:

For a plantation bond, certificate of ditto to the Collector, and cancelling the same, one pound fifteen shillings and seven pence halfpenny:

For endorfing a register, six shillings and three pence:

For figning under seal of office, and recording a new register, one pound five shillings:

For a warrant of furvey, return, and recording, one pound fifteen shillings and seven pence half-penny.

To the RECEIVER-GENERAL.

For entering or clearing all vessels whatever, having a cargo on board, Receiver Ge from a foreign voyage, or going on one, every service included, thirteen shillings and four pence:

For each drogger entering and clearing, two shillings and fix pence: For every bond required by law, five shillings.

To the LAND and TIDE SURVEYOR. For every veffel entering and clearing, having a cargo on board Land and Tide Survey-(droggers excepted), every service included, ten shillings. or's fees.

To the Office of WAITER and SEARCHER. For each vessel, and in full of all services, ten shillings.

Waiter and

III. And be it further enacted by the authority oforesaid, That the fees of the Comptroller shall be one third of such sum as, by virtue Comptrolof this act, may be demanded and taken by the Collector, (coffee certificates excepted, for which the Comptroller is entitled to receive the same fees as the Collector); and that for all such vessels as shall enter or clear out in bailast, and with only the necessary stores and provifions on board, only one half of the fees herein before allowed shall be paid or demanded: and as to all vessels passing from a port of entry to any port or place in this island, for the purpose of unlading or completing her discharge, and taking a cargo on board, a drogging pass shall be granted, on payment of the legal fees for droggers; and no greater or other fee shall be demanded or taken for the same.

IV. And be it further en etted by the authority aforefaid, That printed em copies of the foregoing table of rates of Fees shall be fixed and set up, foregoing fee within fixty days after the passing of this act, in some public part of to be set up in some public each of the offices herein before mentioned; and each officer neglect- place in each ing or delaying to fet up and affix the same, shall forfeit for such of- of the offices. Jence the sum of Fifty Pounds, and thereafter the sum of Five Penalty on Pounds per day, until he thall comply therewith; one half whereof hall go to the poor of the parian in which fuch offence shall be com-

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igs:

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Officers demanding or takinggreater fees, to forfeit 30%

Any clerk or deputy offending in like manner, to forfeit sol. and be difabled from acting as fuch, in any of the offices.

Penalty on officers employing fuch elerke.

mitted, and the other half to be paid into the hands of the Receiver. General, towards the support of the government of this island. And Office hours, all and every of the said offices herein before mentioned shall be kept open, for the dispatch of business, (holidays excepted), from the hour of nine in the morning till one in the afternoon, and from four o'clock in the afternoon till fix in the evening. And if any or either of the faid officers herein before mentioned Thall, on any pretence whatfor ever, ask, demand, take, or receive, or permit to be asked, demanded, taken, or received, any greater or other Fees than are herein before mentioned, then, and in that case, he or they so offending shall forfeit for every such offence the sum of Fifty Pounds: and any clerk or de. puty to either of the said offices, attendant, or person employed in either of the faid offices, who shall contravene this act, or any of the regulations hereby established, either by demanding or receiving greater or other Fees than herein before particularly specified, or by refusing to do and perform the business of such office, if entrusted to them, at and according to the rates herein before established, or who shall demand or receive any new and unusual fee or gratuity, he of they so offending shall forfeit the sum of Fifty Pounds, and be from thenceforth disabled, and are hereby declared to be rendered incapable of being a clerk, deputy, agent, or to be in any manner employed in any or either of the faid offices herein before mentioned, or in any other public office of this island; and if any of the officers herein be fore mentioned, or persons acting for them, shall employ or continue fuch clerk, deputy, or attendant, after fuch conviction, he or ther so offending shall forfeit for every offence the sum of Two Hundred Pounds.

V. And whereas it hath been a practice to stop and detain for reign vessels, at different forts at the entrance of the ports in this island, upon various pretences, which practice is highly injurious to the commerce thereof, by reason that such obstructions tend to discourage their refort to this island: In order to prevent such practice Commanding for the future, Be it enacted by the authority aforefaid, That any of forts, uponill. ficer or officers, or others commanding or acting at fuch fort of grounded and forts, who shall, on any ill-grounded or frivolous pretence or pre-frivolous pre-tences whatsoever, stop and detain any such vessel or vessels, on the ping foreign arrival, from proceeding to the place of discharge, or who shall, o forfeit 2001. any fuch pretence, delay or prevent the departure of any fuch veffe or vessels, that shall be furnished with the permit of the Collector and Comptroller, such officer, or person so offending, shall forfeit for every such offence, the sum of Two Hundred Pounds, one half thereof to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the other half to him iver-

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or them who shall sue for the same: Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend, to prevent the Governor or Commander in Chief of this island for the time being, from stopping, or causing to be stopped and detained, any veffel or veffels, when he shall see sufficient cause for fuch detention, and shall give orders in writing for that purpose.

VI. And be it further enacted by the authority aforefaid, That the Forfeitures, penalties and forfeitures in this act mentioned, shall be recovered in how to be rehis Majesty's Supreme Court of Judicature of this island, by action of debt, bill, plaint, or information, wherein no effoign, protection, injunction, or wager of law, shall be granted or allowed, or Non vult ulterius prosequi entered; any law, custom, or usage to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That Continuance this act shall continue and be in force, from the passing thereof, of this act. for three years, and from thence to the end of the then next fession of Assembly.

An Act to explain and amend an Act, entitled, " An Act to Paffed the 23d of December. regulate Wharfage and Storeage," fo far as the faid Act relates to the Towns of Kingston and Morant-Bay.

WHEREAS the rates of Wharfage and Storeage, as fettled by ACT 24-an act of the Lieutenant-Governor, Council, and Assembly Preamble. of this island, passed in the year of Our Lord one thousand seven hundred and eighty-four, entitled, " An Act to regulate Wharfage and Storeage," have (so far as the same relates to the towns of Kingfrom and Morant-Bay) been found inadequate to the expence of carrying on the wharfage-business in the said towns, and keeping wharves and stores in proper repair for that purpose: And whereas the planters, merchants, and factors, in the faid towns and the neighbourhood thereof, are so well convinced thereof, that the greatest number of them allow their wharfingers to make higher charges than are allowed to be made by the faid act; but as others do not, and executors, administrators and trustees cannot allow the same, many disputes, detrimental to trade in general, have arisen between the wharfingers and importers, shippers or receivers of goods, as also between the planters, factors and merchants shipping the staple commodities or produce of this island: For remedy whereof, We, your Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, most humbly beseech

1786.

Rates of Wharfage and Storeage at Kingfton and Morant-Bay.

your Majesty that it may be enacted; and be it enacted by the Lieute. nant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is bereby enacted by the authority of the same, That, from and after the passing of this act, the rates of Wharfage and Storeage, in the faid towns of Kingston and Morant-Bay, for the several articles herein after mentioned, shall be as follows; viz. For landing, wharfage, storeage, and weighing every hogshead of sugar, two shillings and fix pence; for shipping every hogshead of sugar, one shilling and three pence; for landing and piling every one thoufand feet of lumber, including staves and heading, ten shillings; for fhipping ditto, five shillings; for landing every one thousand of cypress shillings, loose, five shillings; ditto, packed, two shillings and fix pence; for shipping every one thousand of cypress shingles, loofe, two shillings and fix pence; for shipping ditto, packed, one shilling and three pence; for landing every one thousand of common shingles, loofe, three shillings and nine pence; ditto, packed, one shilling and ten pence halfpenny; for landing every tierce of rice, corn, or other grain, one shilling and three pence; for shipping ditto, seven pence halfpenny; for landing every one thousand bricks and tiles, and piling the same, seven shillings and six pence; for landing, weighing, counting, and storeing every ton of Nicaragua wood, ten shillings; for shipping ditto, five shillings; for landing every hogshead of falt fish, coals, or lime, two shillings and fix pence; for landing, gauging, and storeing every puncheon of rum, one shilling and ten pence halfpenny; for shipping ditto, one shilling and three pence; for landing every bundle of iron hoops, one shilling and three pence; for every tierce of bottled liquor, two shillings and fix pence; for landing every barrel of beef, pork, or flour, seven pence halfpenny; for landing, stowing, and gauging every pipe of wine, five shillings; for shipping ditto, two shillings and six pence; for landing every tierce of fugar, one shilling and ten pence halfpenny; for shipping ditto, one shilling and three pence; for landing and weighing every bag of cotton, two shillings and fix pence; for shipping ditto, one shilling and three pence; for landing and weighing every pocket of cotton, one shilling and three pence; for shipping ditto, seven pence halfpenny; any thing in the faid recited act to the contrary thereof in anywise notwithstanding; and, for all other articles whatsoever, the rates of wharfage in the faid towns shall be as expressed in the schedule annexed to the faid recited act.

Certain artiaway by owners from wharves in Kinghon in

11. And be it further enacted by the authority aforesaid, That all eles not taken packages of dry goods, provisions, bottled and cask liquor (rum excepted) landed on any wharf in the faid towns of Kingston and Morant-Bay, and not taken away by the owner, or the person of

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persons to whom the same shall be landed, in the space of two months in Kingston, and four months at Morant-Bay, after such landing as aforesaid, the wharfinger shall be entitled to ask, demand and receive, and Merantfor all fuch goods to stored and laying over, double the wharfage; Bay in four and, for every month thereafter, at the rate of one half wharfage, so charged doulong as the faid goods shall remain upon the wharf so stored and ble Wharfage housed.

III. And be it further enacted by the authority aforesaid, That, for month after, one half, as all lumber, logwood, fustic, and other dying woods, ebony, maho-long as they gany and hard timbers, coals, bricks and tiles, landed on any wharf fhall remain. in the faid towns of Kingston and Morant-Bay, and not taken away taken away in by the owner, or the person or persons to whom the same shall be one month from Kinglanded, in the space of one month in Kingston, and of two months ston, and two at Morant-Bay, after fuch landing as aforesaid, the wharfinger shall months from Morant-Bay, be entitled to ask, demand and receive one fourth part of the said to be charged wharfage; and, for every month thereafter, at the like rate, fo long part of the as the same shall remain on such wharf.

IV. And be it further enacted by the authority aforesaid, That each after. and every wharfinger or wharfingers in the faid towns of Kingston Wharfingers and Morant-Bay shall be, and he and they is and are hereby obliged, keep in view within three months after the passing of this act, to affix, and con-like of the stantly keep up in view, in some public place under cover from the Wharfageand weather, at or near the weigh-house, or place of weighing goods on Storeage, unhis or their wharf or wharves, an exact list of the rates of Wharfage ty of 40s. for and Storeage, as appointed by this act, properly digested in an alpha-every day's betical manner, under the penalty of Forty Shillings for each and every day's neglect and delay in affixing and keeping up the same.

V. And be it further enacted by the authority aforesaid, That if any Wharfingers wharfinger or wharfingers, or any person or persons acting for or un-demanding der him or them, shall presume to ask, demand and receive, or take rates, to forany greater or larger prices or rates than those herein before men- feit seol for tioned for shipping, receiving, storeing, skidding, weighing, gauging, and properly securing the goods, wares and merchandises delivered at his or their wharf or wharves, shall, for every such offence, orfeit the sum of One Hundred Pounds.

VI. And be it further enacted by the authority aforesaid, That the Penalties not feveral penalties and forfeitures in this act mentioned shall, if not to be recoverexceeding ten pounds, be recovered in a fummary manner, before ed before any any one of his Majesty's Justices of the Peace in the parish or pre- Peace. cance where the offence shall be committed; which said justice is hereby empowered, authorised, and required to commit such offender or offenders to gaol, there to remain, without bail or mainprise, until he or they shall have paid the same: And all penalties and forfeitures Penalties ex-

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exceeding ceeding tol.

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exceeding ten pounds shall be recovered in the Supreme Court of Judicature, or in the Court of Assize for the county of Surry, by action of debt, bill, plaint or information, wherein no effoin, protection, or wager of law shall be allowed, or Non vult ulterius pre sequi entered; any thing therein contained to the contrary in anywife notwithstanding.

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VII. And be it further enasted by the authority aforesaid, That all tion of penal- penalties and forfeitures in this act mentioned shall be to the informer, or him, her or them who shall sue for the same.

Passedthe and An Act for repealing Part of an Act entitled, " An Act to oblige the Justices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arfenals, in their respective Parishes;" and also to repeal Part of one other Ast entitled, " An Act to explain and amend an

> Act to oblige the Justices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arfenals, in their respective Parishes;" and to put the Barracks and Fort

> at Lucea, in the Parish of Hanover, upon the public Establishment of the Island.

ACT 25. Preamble.

Recital of a former ad.

WHEREAS by an act entitled, " An Act to oblige the Justices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arfenals, in their respective Parishes;" also by an act entitled, " An Act to explain and amend an Act entitled, . An Act to oblige the fustices and Vestrymen of several Parishes in this Island to build, repair, and keep in Repair, Barracks, Magazines, and Arsenals, in their respective Parishes;" if is amongst other things enacted, that the Justices and Vestry, or two Justices and fix Vestrymen, or the major part of them, of the several parishes herein after mentioned, to be, and they are hereby obliged and required, within Three Months after the passing of this act, to begin to build good and sufficient Barracks, and to complete the same within twelve months, for the reception of one company of regular troops, which his Majesty has been or may be graciously pleased

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pleased to send over to this island for the protection thereof, at such places as shall be herein appointed, and to repair and put in good order fuch Barracks as are herein after mentioned; that is to fav, the Justices and Vestry, or two Justices and fix Vestrymen, of the parish and town of Kingston, in Vestry assembled, or the major part of them, in some part of the said town, as to them shall seem convenient; of the parish of St. John, at or near a place called Point-Hill. in the faid parish of St. John; of the parish of Clarendon, at or near the Church in Clarendon mountains; of the parish of Westmoreland, at such place in the leeward part of the said parish as to them shall seem convenient, and also to repair and put in good order the Barracks at Savanna-la-Mar; of the parish of Hanover, at a place called Lucea; of the parish of St. James, at such place as to them shall seem convenient, and to keep in repair the Barracks alseady built at Montego-Bay; of the parish of St. Ann, at such place as to them shall seem convenient; of the parish of St. George, at a place called Gibraltar-Point, in the said parish; of the parish of St. Andrew, at fuch place as to them shall seem convenient: And whereas it is further enacted by the authority aforesaid, that the several and respective Justices and Vestry, or two Justices and fix Vestrymen, in Vestry assembled, or the major part of them, in all and every the parishes of this island, where new Barracks are directed to be built, or where old Barracks are directed to be repaired, or in the parish of St. Mary, where a Barrack is already built, is directed to be paid for by virtue of this act, be, and they are hereby obliged and required, as foon as the feveral and respective Barracks are built, or the feveral and respective old Barracks are repaired, to erect and build at each of the said Barracks a proper Magazine, for keeping and receiving a reasonable quantity of gunpowder; and also an Arsenal, for keeping a reasonable number of arms; and from time to time, and at all times hereafter, to repair and mend, sustain and maintain all such Barrack or Barracks, Magazines and Arsenals so to be erected, built or repaired as aforesaid: And whereas the above-mentioned clauses of the said acts have, so far as they are binding and compulfory upon the aforesaid recited parishes, become burthensome to the inhabitants of the faid respective parishes: For remedy whereof, We, your Majesty's dutiful and loyal subjects, the Assembly of Jamaica, most humbly beseech your Majesty that it may be enacted; Be it therefore enacted and ordained by the Lieutenant-Governor, Council and Affembly of the faid island, and it is bereby enacted and ordained by the authority of the same, That each and every the clause and clauses clauses of a of the faid acts herein before recited be, and the same are hereby an- former act renulled and repealed, so far as they are binding and compulsory on the faid respective parishes as aforesaid recited.

II. And

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II. And whereas, for the better fecurity of the inhabitants of this island, it is thought necessary to have a head-post in and for the county of Cornwall; and whereas the Fort, Fortifications, and Barracks at Lucea, in the parish of Hanover, are in good condition, and well adapted for the purpose aforesaid; and whereas, in order thereto, it will be necessary to put the said Fort, Fortifications, and Barracks, upon the public establishment, and to authorise and appoint Commissioners to inspect the same, and to order the repairing and making fuch additions and alterations as shall from time to time be thought necessary; Be it further enacted and ordained by the authority aforefaid, Fort, Fortifi- That the present Commissioners of Forts, Fortifications and Public Buildings, and the Commissioners of Forts, Fortifications and Pub-Lucea, in the lic Buildings for the time being, be, and they are hereby appointed parifa of Ha-Commissioners, and they or any seven of them, one of the Council. upon the pub and three of the Assembly being always part of that number, are hereby authorised and empowered, jointly with his Honour the Lieutenant-Governor, or the Governor or Commander in Chief for the time being, to order the repairing and making fuch additions to the faid Forts, Fortifications, and Barracks at Lucea, in the parish of Haers of Forts nover aforesaid, as shall from time to time be thought necessary; and they are hereby also authorised and empowered to make contracts ers for repair- with workmen, or others, for materials, workmanship and labour, and to hire flaves for the repairing, carrying on and finishing the same, not exceeding not exceeding the fum of Two Thousand Pounds.

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III. And be it further enacted by the authority aforesaid, That no No money to money shall be iffued or paid for the above purpose out of the funds be iffued out money shall be iffued or paid for the above purpose out of Forte of the Fortifi- already granted, or hereafter to be granted, for the use of Forts, but by order Fortifications, Barracks and Public Buildings in this island, comof the Com- monly called the Fortification-Fund, but by order under the hands of his Honour the Lieutenant-Governor, or the Governor or Comquerum of the mander in Chief for the time being, and the faid Commissioners, or any seven of them, one of the Council and three of the Assembly being always part of that number.

IV. And be it further enacted by the authority aforesaid, That the ereautherifed faid Commissioners, or any seven of them, one of the Council and three of the Assembly being always part of that number, shall have full power and authority, jointly with his Honour the Lieutenantland, making Governor, or the Governor or Commander in Chief for the time being, to order the digging up and carrying away fand and earth, and collecting, blowing up or carrying away stones, for the use of the faid Fort, Fortification, and Barracks, out of the lands of any person whatfoever, making the proprietors a reasonable compensation for the same, as also for any damage or injury that may arise to such pro-

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prietor or proprietors, by reason or means of the digging up of sand or earth, or collecting or blowing up stones, or carrying away such materials for the purpose aforesaid.

An Act to vest certain Lands and Tenements, Situate, lying Paffed the and and being in the Town and Parish of Kingston, in the Justices and Vestrymen of the faid Parish, and the Justices and Vestrymen of the said Parish for the time being, for the Use of the Poor of the said Parish; and to enable the Justices and Vestrymen of the said Parish, for the time being, to maintain or defend any Suit or Suits at Law or in Equity, for Recovery of the same or any Part thereof; and to make Leases of the said Lands and Tenements, or any Part thereof, for the Use of the Poor of the faid Parish.

THEREAS Joshua Bradshaw, formerly of the town of King- AcT 26. ston, in this island, deceased, being seised and possessed of Preamble. certain lots of land, with buildings thereon, fituate, lying and being in the town of Kingston aforesaid, did, in and by his last will and testament, bearing date the twenty-fourth day of November, which was in the year of Our Lord one thousand seven hundred and twenty-seven, after bequeathing several legacies, direct that the rest of his houses in Kingston, with the rents that shall become due, should go to the maintenance of the poor housekeepers of Kingston for ever, at the disposal and direction of his executors, namely, Christopher Chandler and James Younge, as in and by the faid last will and testament, duly proved and on record in the Secretary's Office of this island, may more fully appear; which houses, that is to say, the rest of his the said Joshua Bradshaw's houses in Kingston, or the land on which the faid houses were, are, or is situate, in the fourth lot fouth from White-street, butting and bounding east on Orange-street; north and east on tenements possessed by Mrs. Margaret Sneadaker, and also north on Mrs. Balfour; west on Luke-lane; partly fouth on Harry Lumsden, Esq. east and north on tenements possessed by Messrs. Farmer and Moore; and whereas the faid executors are fince dead, and their heirs unknown in this island, the Vestry of the said parish of Kingston are put to great difficulties in letting the said land and tenements.

tenements, for the purposes in the said will mentioned, and it will tend greatly to the benefit and advantage of the Poor of the said parish, if the said land and tenements were vested in the Justices and Vestry of the said parish of Kingston, in trust for the purposes

aforesaid:

And whereas Peter Davis, formerly of the town of Kingston, in this island, deceased, did, in and by his last will and testament, bearing date the ninth day of June, which was in the year of Our Lord one thousand seven hundred and two, give, devise, and bequeath unto his beloved wife, Judith Davis, all his estate real and personal, during her natural life, and at her decease to the Poor of the parish of Kingston, to be distributed among them by the Churchwardens of the faid Parish, as in and by the said last will and testament, duly proved and of record in the Secretary's Office of this island, may more fully appear; of which faid estate there remains a lot of land, with buildings thereon, in the faid town of Kingston, that is to say, the second lot fouth from Barry-street, butting and bounding west on Churchfreet; north on land and buildings late the property of Mrs. Pinnock; east on Mark-lane; and south on Charles Brown; and whereas the faid Judith Davis is fince dead, and the Vestry and Churchwardens of the faid parish of Kingston are put to great difficulties in letting the faid lot of land and tenements thereon, in the most advantageous manner to the use of the Poor, and it would tend greatly to the benefit and advantage of the Poor of the faid parish, if the faid lot of land with buildings thereon were vested in the Justices and Vestry of the said parish of Kingston, in trust for the use of the Poor of the faid parish:

And whereas by an act of the Governor, Council, and Affembly, passed the twenty-first day of December, one thousand seven hundred and seventy-six, the Magistrates and Vestrymen of the said parish were empowered to purchase a proper and convenient Court-House, for transacting their parochial business, and from time to time to keep the same in repair, or to make such alterations therein, or additions thereto, as they should find necessary, and to raise such sums of money as should be requisite for the purposes aforesaid; and whereas, by virtue of the faid in-part-recited act, the Magistrates and Vestrymen of the faid parith purchased land and buildings for the purpose aforefaid, butting and bounding west on Duke-street; north on Waterlane; east on lands and tenements belonging to and in the possession of Dr. Flanagan; and fouth on Harbour-street; some of which buildings, namely, outhouses, cellars, and apartments on the ground-floor, the Magistrates and Vestry of the said parish can dispense with, in transacting their parochial business, and it would tend greatly to the

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in he benefit and advantage of the faid parish, if the faid land and build- 1786. ings were vested in the Magistrates and Vestrymen of the said parish, in trust for the use of the Poor of the said parish:

And whereas there are several sums of money due by fundry persons for the rents agreed on to be paid by them, or fums of money stipulated to be paid periodically, for the use and occupancy of the said lands and tenements, which sums the Vestry of the said parish are put to great difficulties in recovering, and the fums fo due would be a great relief to the Poor of the faid parish: May it therefore please your most Excellent Majesty, at the humble suit of the Justices and Vestry of the said parish of Kingston, that it may be enacted; And be it enacted by the Lieutenant-Governor, Council, and Assembly of the said island, and it is bereby enacted and ordained by the authority of the same, That the The aforesaid hid lands and tenements as have herein been described be, and the lands, &c. same are hereby, vested in the present Justices and Vestrymen of the Justices and faid parish of Kingston, or the Justices and Vestrymen of the said we of the parish for the time being, to and for the use of the poor inhabitants Poor. of the faid parith.

II. And be it enacted by the authority aforefuld, That the faid Just- Justices, &c. tices and Vestrymen, and the Justices and Vestrymen for the time to levy a tax being, of the said parish of Kingston, and their successors, shall have on the inhabitants, for full power to alter and repair, amend and enlarge, the faid tenements; repairs of faid and, for that purpose, it shall and may be lawful for the said Justices tenements. and Vestry, or the Justices and Vestrymen of the said parish for the time being, to raise and levy a tax on the inhabitants of the said town of Kingston, in the same manner as other the parochial taxes are raised.

III. And be it further enacted by the authority aforesaid, That the Justices and aid Justices and Vestrymen, and the Justices and Vestrymen of the Vestry made aid parish of Kingston for the time being, and their successors, shall porace, for be, and they are hereby declared, a Body Corporate, for the purposes certain pura herein mentioned, and no further; and they and their successors, Justices and Vestrymen of the said parish, or the majority of them present, shall, from and after the passing of this act, when duly summoned and met in Vestry, and not otherwise, have full power and lawful authority from time to time to rent, demise, lease, and to farm let, the said lands and tenements, or any part thereof, at will, from year to year, or for any term not exceeding fourteen years, for the highest rent that can be obtained.

IV. And be it further enacted by the authority aforesaid, That the Justices and Justices and Vestrymen of the said parish for the time being, and their fue and be fuccessors, or the majority of them, shall have full power and autho-sued, &c. on rity, by the name of " The Justices and Vestry of the Parish of King- such lands flon," to fue and be fued, implead and be impleaded, to answer and and tene-

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be answered unto, in all manner of courts that now are or shall here-1786. after be in this island, in all manner of suits whatsoever, or of what nature or kind soever such suits or actions be, or shall be, relating to the faid lands and tenements, as well for recovery of any debts that are now due for rents of the faid lands and tenements, as for recovery of any debt, dues, legacies, or bequests, which are or shall be due, or left and bequeathed, to and for the benefit of the faid parish, in as ample a manner and form, and to all intents, constructions, and purposes, as any person or persons, bodies corporate and politic, in the realm of England, being able persons in the law, may do; any law, custom, or usage to the contrary in anywise notwithstanding.

Rents &c. to be applied to the use of the Poor.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Justices and Vestry of the said parish of Kingston, from time to time, to apply all the rents, issues, and profits of the faid lands and tenements towards supporting the Poor of the faid parish; and in case there should be any surplusage remaining of the faid annual rents, then the same shall be applied towards discharging the contingent charges of the parish of Kingston aforesaid.

Paled the 22d of December.

An Act to prohibit the holding of Elections of Members to serve in the Assembly, in any of the Churches or Chapels of this Island; to declare where such Elections shall be holden in future; and to prevent Disturbances and Riots by means of public Entertainments on the Days of holding such Elections.

ACT 27. Preamble.

ORASMUCH as it hath been usual, in certain parishes within this island, to hold Elections of Members to serve in the Asfembly in the Churches or Chapels of fuch parishes, whereby, in cases of contested Elections, debates, contentions, and tumults have arisen therein, and may arise, to the great scandal of the Christian re ligion, and the professors thereof: May it please your most Excellent Majesty that it may be enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is bereby enacted and ordained by the authority of the same, That, from and after the passing of this act, it shall not be lawful for the Provost-Marshal-General, or any perfon acting under his authority, to hold, ken, in any of or cause such Elections to be holden, and a poll to be taken, in any of the churches

Elections not to be holden, or a poll taACT 27.

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the Churches or Chapels of this island, on any pretence whatever, but that all Elections, so held, shall be null and void.

II. And be it further enacted by the authority aforesaid, That in and if holden, each parish of this island where there is a Court-House or Vestry- to be null and void. room, or other rooms or buildings distinct and separate from the Elections to Church, appropriated to parochial business, or the holding courts of be holden in Common Pleas or Quarter-Sessions, it shall and may be lawful for vestry-rooms, the Provost-Marshal-General, or his lawful deputy, to hold Elec- or other rooms topations for the choice of persons to serve in the Assembly of this island, rate from the in fuch Court-house, Vestry-room, or other room or building; Church, appropriated to any law, custom, or usage, to the contrary thereof in anywise not-parochial withstanding: And, where there is no such Court-house, Vestry-where there room, or other room or building, in any parish, distinct from the is no Court-Church, the Churchwardens of such parish are hereby authorised and house, &c. &c. Churchwarempowered to hire a room, or crect a booth, for that purpose, at the dens to hire a expense of the parish, not exceeding the sum of Twenty-five Pounds, a booth, at as near as possible to the place where the public and parochial business the expense of is transacted.

III. And, in order to prevent needless expenses, disturbances, and riots on the days of holding fuch Elections; Be it further enacted by the authority aforesaid, That, from and after the passing of this act, Candidates not to give it shall not be lawful for any person or persons offering themselves as public entercandidates at such Elections, before or after the Election is over, days of holdby themselves or agents, directly or indirectly, to give public enter- ing Elections; tainments of provisions or liquor, on the days of holding such Elections, whether in public houses, or in houses or booths hired or erected for the purpose.

IV. And it is bereby enacted and declared, That if any fuch enter- otherwise teinment shall be given, contrary to the true spirit and meaning of fuch Election this act, such Election, as to the candidate giving, or causing to be void, as to the given, such entertainment, shall be null and void; and in case such ing such ing such ing such in such i candidate shall have a majority of votes on the poll, a new writ shall tertainment. issue, and the candidate so offending shall be adjudged incapable of being chosen into the Assembly, during the session to be holden next after such Election.

V. And whereas many freeholders refide at a great distance from Churchwarthe place of Election; Be it therefore further enacted, That the dens to provide refresh-Churchwardens of each parish respectively be empowered, and they ment for freeare hereby required, on the day of Election, to cause to be provided expense of the proper refreshment for the freeholders, at the expense of the parish, parish, not exnot exceeding Fifty Pounds.

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P. Midthe 22d of December.

An Act for raifing and fitting out Parties for Suppressing any Rebellion in this Island, during the Continuance of this AET.

ACT 28. Preamble.

TYHEREAS there is not fufficient power and authority, by the feveral acts of this island now in force, vested in the Commander in Chief to raise Parties for the immediate suppression of rebellions or rebellious conspiracies, without declaring martial law, which cannot be declared without many and great inconveniences to the island in general: May it therefore please your most Excellent Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That from and after the thirty-first day of December, in the present year any field offi- of Our Lord one thousand seven hundred and eighty-seven, it shall litia, empow and may be lawful for the Governor or Commander in Chief for the time being, or any general or field officer commanding a regiment of militia in this island, acting under a special commission, or order from the Governor or Commander in Chief, to raise and fit out, under the encouragements in this act mentioned, such and so many Parties of good and able men as may be necessary for the suppression of any rebellion; which men shall be well and sufficiently provided with good arms, accourrements, and ammunition, fuch as the commanding officer of the respective Parties shall approve of.

Commander in Chief, or cer of the miered to raife and fit out Parties.

How Parties are to be rewarded.

II. And be it further enacted by the authority aforesaid, That over and above all plunder by them taken from the rebellious negroes, each Party shall have and receive the sum of fifteen pounds for every rebellious negro, mulatto, or other flave they shall kill; and the sum of twenty pounds for every negro, mulatto, or other flave they shall take alive; and the sum of forty shillings for every negro, mulatto, or other boy or girl under the age of fourteen years, every such Party shall take alive; which said sum shall be paid to the commanding officer of every Party as aforesaid, by the Churchwardens or Collecting Constables of the respective parishes to which the officers and men of every such Party do belong, out of such money as shall come to their hands on account of the deficiency, or any other public tax; and, in case there shall not be money sufficient in the hands of the faid respective Churchwardens or Collecting Constables, arising from the said public taxes, to pay the said rewards, that then, and in such case, the Receiver-General be, and he is hereby empowered, to borrow, or take up, money at interest, at and after the rate of eight pounds per centum, per annum; out of which money so borrowed

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he shall, and he is hereby obliged, to supply the said respective Churchwardens or Collecting Constables with money sufficient for the payment of every such Party, and this, or any future Assembly will make good the same; any law, custom, or usage to the contrary notwithstanding. Provided always, That when any Party shall kill Rebelliousneany rebellious negro, mulatto, or Indian, the commanding officer, groes, &c. or any two officers of the faid Party, shall be obliged, and are hereby ties, are to be directed, to view the body of such negro, mulatto, or Indian to kil- viewed by the led, and to certify, under his or their hands, the age, quality, fex, must certify, and mark of fuch negro, mulatto, or Indian; which faid certificate on oath, their shall be sworn to before a magistrate, by some one or other of the officers who figned the same: And also, That the commanding offi- Their heads cer or officers of every fuch Party shall be obliged, and they are to be brought hereby directed, to order the head of each rebel killed as aforesaid to the next fettlement. to be severed from his or her body, and brought to the first settlement they come to, and leave the same there, for the satisfaction of the public; and that each commanding officer of the Party do likewife give notice thereof to the commanding officer of the militia of the parish or precinct where such rebel may be killed; on neglect whereof, the faid Party shall not be allowed or entitled to any of the aforesaid rewards.

III. And, to prevent any disputes that may arise about dividing the faid rewards allowed by this act to the officers and men of every fuch party, Be it enacted by the authority af refaid, That one third How rewards of the rewards herein before directed to be paid, shall be equally di- are to be difvided among the commissioned officers serving in such Party, and that the remaining two thirds shall be divided into equal shares, and that each private white man of the Party shall have two such shares, and that every negro, mulatto, or Indian shot, shall have one share; which several proportions shall be paid by the officer commanding such Party, as soon as he shall have received the same from the Churchwardens or Collecting Constables, as aforesaid.

IV. And be it further enacted by the authority aforesaid, That every Negroes, &c. such rebellious negro, mulatto, or Indian, which shall be taken alive, bellion, to be as aforesaid, shall, immediately on the return of every such Party, tried by two be committed to gaol, and with all convenient speed be tried by two five Freehold-Inflices and five Freeholders of the precinct where he, the, or they ere shall be so committed; which said Justices and Freeholders, or the major part of them, whereof one to be a Justice, shall, upon such negro, mulatto, or Indian, being convicted of rebellion, or rebellious conspiracies, adjudge such rebellious negro, mulatto, or Indian, to suffer death, or be transported off this island, as they the said Justices and Freeholders, or the major part of them, as aforesaid, shall judge proper.

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1787. Officers of the militia empowered to draft men out of their regiments or troops, to join Parties.

V: And be it further enacted by the authority aforefaid, That in case a sufficient number of effective men shall not be raised, under the encouragements in this act mentioned, that then it shall and may be lawful for the commanding officer of the militia, in fuch parts of the island where any negroes, mulattoes, or Indians are and shall be in rebellion, to draft out of the regiments of foot and troops of horse, in their respective districts, such a number of effective men, to be fent out on such Parties, as may be necessary to suppress the said rebellion.

Commander the like.

VI. And be it further enacted by the authority aforesaid, That it in Chief to do shall and may be lawful for the Governor, or Commander in Chief for the time being, during any rebellion, to order such drafts from any other regiments of horse or foot in this island, to be sent in aid of the faid Parties, as shall be necessary.

Officers of the militia empowered to raife a fufficient numfor arms, baggage, &c.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commanding officer of the militia, in fuch part of the island where any negroes, mulattoes, or Indians are or shall be in rebellion, to raise such a number of negro, muber of flaves, latto, or Indian flaves, for arms or baggage, as may be necessary to be fent out with any Party for the suppression of such rebellion; Provided always, That the number of flaves that shall be required from each particular estate be in proportion to the whole number on fuch estate.

To give notice by warrant of the number required.

VIII. And be it further enacted by the authority aforesaid, That the commanding officer of the militia, in the respective district of every parish where any such Party shall be fitted out, shall cause notice to be given, by warrant under his hand, at each estate in the said diftrict, of the particular proportion of shot and baggage negroes they are so required to send, as aforesaid; which warrant shall express the name of each estate, or the name of the owner thereof; and against fuch names respectively shall also express the number of shot and baggage negroes such estates are respectively to furnish; and the shewing of the warrant to the master, owner, overseer, or any other person who shall have the care or charge of such estates respectively, shall be held and taken for sufficient notice.

Perfons refufing to fend their prepartion to pay 20%.

IX. And be it further enacted by the authority aforesaid, That is all cases where a master, owner, overseer, or other person entrusted with the care or charge of any plantation or fettlement, shall, on notice given, refuse or neglect to fend the proportion or number of good and able flaves required, fuch as shall be approved of by the commanding officer of the militia in such district as aforesaid, every person so offending shall forfeit the sum of Twenty Pounds, to be manding cal. recovered as herein after mentioned; and it shall and may be lawful

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for such commanding officer of the militia to fend to such plantation or other settlement, and there actually impress and take the number or proportion of good and able flaves required of fuch plan- the number tation or other settlement by the said warrant, that are fit and proper required. for the services aforesaid: Provided always, That no chief boiler, or head dri-

head driver, or tradefman, shall be so impressed. X. And be it further enacted by the authority aforefaid, That the be impressed. commanding officer of every Party fitted out under this act, shall have privates of and receive ten shillings per day; each other commission officer, seven fuch Parties faillings and fixpence per day; each fergeant, three shillings and nine pence per day; each private white man, two shillings and fix pence per day; each free negro, mulatto, or Indian, one shilling and ten pence halfpenny per day; each negro, mulatto, or Indian shot, one hilling and ten pence halfpenny per day; and each baggage flave, one shilling and ten pence halfpenny per day; to be paid to the owner or proprietor, his agent or representative, for the hire of every such negro, mulatto, or Indian shot or baggage slave as shall serve in any Party as aforefaid: which faid respective pay to such officers, white men, and others as shall be raised as aforesaid, or impressed to go out in any Party as aforesaid, shall commence from the day they shall be employed in that service, and continue until they are discharged, and no longer; and shall be paid to the commanding officer of every such Party by the Chuchwardens or Collecting Constables of the parish where such Party shall be on duty, out of any public money in their hands; which faid commanding officer is hereby required to diffribute the same to the several officers and men of every such Party as sforesaid: Provided always, That the commanding officer of every such Party shall, before the receipt of such pay as aforesaid, deliver to the faid Churchwardens or Collecting Constables a muster-roll, upon oath, of the officers and men in actual service under his command in fuch party; which faid muster-roll, with the commanding officer's receipt thereon, shall be a sufficient voucher, and accepted and allowed by the Receiver-General, in account with fuch Churchwardens or Collecting Constables.

XI. And be it further enacted by the authority aforesaid, That the commander Governor or Commander in Chief for the time being is hereby em- in Chief empowered to appoint any person or persons he shall think proper, to appoint perfurnish or supply every such Party, fitted out under the directions of Parties with his act, with all necessary provisions; which the Receiver-General is provisions. hereby ordered and required to pay for, out of any public money in

his hands unappropriated.

XII. And be it further enacted by the authority aforesaid, That the Commanding commanding officer of every such Party be, and he is hereby, em-powered to

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powered to impress, in the most equitable manner he can, all such wains, carriages, cattle, mules, and horses, as the service shall require; which commanding officer is hereby obliged and required, under the penalty of Twenty Pounds for every neglect or refusal, to be recovered in a summary way before any Justice of the Peace of the parish or precinct where such impress is made, which penalty shall be to the use of the owner of such wains, carriages, cattle, mules, or horses impressed as aforesaid, to give certificates of the wains, carriages, cattle, mules, and horses by him so impressed, therein expreffing the time they were employed in such service, as also any hurt or accident that may have happened to the fame, to the end that the proprietors may receive reasonable satisfaction for the hire of such wains, carriages, cattle, mules, and horses, and also for damages suftained by such hurt or accident as aforesaid; the amount of which hire and damages shall be regulated and ascertained by any Justice of the Peace, who shall certify the same, under his hand, to the Receiver-General; and the faid Receiver-General shall, and he is hereby

fuch Parties, be indemni-Sed.

appropriated.

XIII. And whereas flaves ferving in fuch Parties may be killed or Slaves killed disabled; Be it therefore enacted by the authority aforesaid, That in er maimed in case any slave or slaves shall be killed, then his master or owner shall the owners to receive a fum not exceeding One Hundred Pounds for every flave fo killed; and in case any such slave or slaves shall be disabled by loss of limb, that then his master or owner shall receive such sum as fuch flave shall be valued at, less than one hundred pounds, by any two Justices of the Peace of the parish where such slave may be disabled: which faid several sums the Receiver-General for the time being shall, and he is hereby obliged to pay, out of any public money in his hands, unto the mafter or owner of every fuch flave or flaves, so killed or disabled as aforesaid, on a certificate being produced to him, under the hand of the commanding officer of the Party fuch flave or flaves belonged to, that fuch flave or flaves was or were killed or disabled in the Party under his command.

required to pay the same, out of any public money in his hands un-

Receiver-Gefary.

XIV. And be it further enacted by the authority aforefaid, That the neral required Receiver-General do, and he is hereby required, in case it shall be sufficienterms necessary, to find and provide every such Party with good and sufficient for the Parties, if neces arms, the value of which shall be deducted out of such pay, rewards, and hire, as they shall be entitled to for their services by virtue of this act.

XV. And be it further enacted by the authority aforesaid, That all and pivates officers and men, serving in any such Party, shall be tried for all for milenes crimes and misdemeanors by them done or committed while they are

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employed in fuch fervice, viz. all commissioned officers by a general court-martial, and all private men, according to the nature of their offence, by a general or regimental court-martial, to be respectively committed. appointed by commission from the Governor or Commander in Chief for the time being, according to the rules and articles of war that hall be then in force; any law, custom, or usige to the contrary notwithstanding.

XVI. And be it further enacted by the authority aforefaid, That every Persons draftofficer or private man in the militia of this island, who shall be drafted ed by the out as aforefaid by order of the Governor or Commander in Chief for in Chief, &c. the time being, or the commanding officer of the militia in the dif- and refusing trict to which he or they belong, and thall refuse or neglect to repair their colours, to his colours, march, or obey fuch other orders as he shall receive &c. how to from his superior officer, shall, if an officer, be tried by a general court-martial, and if a private man, by a regimental court-martial. for fuch his disobedience or neglect, according to the rules and articles of war herein before mentioned.

XVII. And be it further enacted by the authority aforefaid, That Persons emthe Provost-Marshal-General of this island, or any of his deputies, Parties are shall not, on any pretence whatsoever, presume to take or arrest any protected from arrest. of the officers or men, or the flaves employed in any Party, by virtue of this act, or within thirty days after they and each of them are respectively discharged, nor in the time of his going to, or coming from the place of duty or rendezvous of such Party, under the penalty of Fifty Pounds, and of being further liable to an action of false imprisonment: And, in case of any such arrest, it shall and may be lawful for any one of his Majesty's Justices of the Peace for the parish where fuch person or persons shall be arrested, immediately to release him or them from such imprisonment.

XVIII. And be it further enacted by the authority aforefaid, That Commanding officers, and every commanding officer of any Party, and every Justice of the Peace, Justices of the who shall refuse or neglect to do his or their duty in any matter or Peace, negthing required of him or them by this act, shall respectively, for their duty

every offence, forfeit the sum of Fifty Pounds. XIX. And be it further enacted by the authority aforefaid, That all Fines, how to penalties in this act mentioned, not exceeding twenty pounds, and be recovered not declared how they shall be recovered, shall be recovered before any of his Majesty's Justices of the Peace, who are hereby authorised and emlowered to iffue his warrant, to fummon the party or parties before im, and to distrain on the offender's goods and chattels; which warant shall be directed to the Provost-Marshal-General, or any of his lawful deputies, or to the constable or constables of such parish or precinct, to be paid into the hands of the party or parties complain-

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1787. ing; and all penalties exceeding twenty pounds, in the Supreme Court of Judicature, or in the Courts of Affize in this island, wherein no effoign, protection, imparlance, wager of law, Non vult ulterius prosegui, or injunction, shall be entered or allowed; one half thereof shall be to the informer, or him or them who shall sue for the same, and the other half to be paid to his Majesty's Receiver-General, for and towards supporting the contingent charges of the government of this island; any law, custom, or usage to the contrary in anywise notwithstanding.

Continuance of this act.

XX. And be it further enacted by the authority aforefaid, That this act, and every clause, matter, and thing therein contained, shall continue and be in force from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-seven, until the thirty-first day of December, which will be in the year of Our Lord one thousand seven hundred and ninety, and no longer.

Procedule An Act to make the Service on Special Juries more equal of December. and eafy.

ACT 29. Preamble.

All Special

Juries to be

taken from

the general

HEREAS the frequent attendance on Special Juries, agreeably to the law now in force, has by experience been found a burthensome and unequal service: For remedy whereof, may it please your most Excellent Majesty that it may be enacted; And be it enacted by the Lieutenant-Governor, Council, and Affembly of this island, and, by the authority of the same, it is hereby enasted, That in future all Special Juries shall be taken from the general panel, or lift of Grand and Petty Jurors, warned to serve at the Supreme Court and Courts of Affize respectively, and shall be struck from the said To be druck several panels, or lists, in the same manner as has hitherto been used off in the fame from the body at large of the Jurors for each county respectively: buserto been Provided, That if the trial of the issue for which such Special Jury a fed from the shall be so struck does not come on at the term for which they are of the Juries. warned, a new Special Jury, if required, shall, in like manner, be Aruck from the general panel, or list of Jurors, for the next Suprem Court, or Court of Affize, respectively; and so toties quoties until the iffue be tried.

panel. Provise.

II. And be it further enacted by the authority aforesaid, That the Court at to Supreme Court thall not henceforward grant Special Juries, unleis Janes, wales sufficient cause be shewn by astidavit, or otherwise, that a Special Jury is necessary or proper for the trial of the cause.

Supreme grant Special fufficient cause be Benz.

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An Act for the further Relief of Infolvent Debtors imprisoned Postedibe and for Debt.

THEREAS many persons, by losses and other missortunes, are Act 30. rendered incapable of paving their whole debts, and, though Preamble. they are willing to make the utmost satisfaction they can, are never-

theless detained in prison by their creditors:

And whereas fuch unhappy Debtors are objects of public compassion: And whereas by an act of this island, entitled, " An act for estab-" lishing Courts, and directing the Marshal's Proceedings," it is, among other things, enacted, that " when any prisoner or pri- Ade, and " foners under execution shall have nothing to maintain him, her, elauses of " or themselves, that then he, she, or they, disclosing the same, force, respect-" upon oath, unto two Justices of the Peace of the parish where ing insolvent " he, she, or they shall be prisoners, and making it appear to the " Judges of the Supreme Court, that he, she, or they have given " notice to all their creditors, ten days before the faid Court, that " they, or either of them, intend to take the benefit of this act, " bringing likewise to the Court a certificate of such their oath, un-" der the hands and seals of the said Justices, then that the prisoner " or prisoners so taken in execution shall be publicly let to hire at " the faid Court, the Marshal receiving for his fees a proportionable " share with the other creditors; and the money so arising from the " said hire shall be paid to such persons as the Court shall appoint, " to be equally divided among the creditors as aforefaid: But, in "case any creditor shall refuse to consent to letting the said prisoner "or prisoners to hire, that then such creditor shall pay, or cause "to be paid, to the faid prisoner or prisoners, three shillings and "fix pence weekly: Provided always, and it is bereby enacted, That if any prisoner or prisoners, so let to hire, shall, at any time afterwards, come to have or enjoy an estate, having not satisfied their debts, that then, at all times hereafter, the judgment obtained against him, her, or them, shall remain good, and in force, and another execution shall be taken out, and levied against the goods and chattels of the faid prisoner or prisoners, wheresoever they shall be found:"

And whereas by another act of this island, entitled, " A Supplemental and Explanatory Act," it is provided, that " whereas by an act, entitled, " An Act for establishing Courts, and directing the Marshal's Proceedings," poor prisoners, that have not wherewith to maintain themselves, may, under certain terms and conditions therein expressed, be publicly let to hire, towards satisfaction of

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" their creditors, by which divers frauds have been committed; .. Be it therefore enacted by the authority aforesaid, That no prisoner " hereafter thall have the benefit of that act, until he or the shall " have first delivered in to the Court a true and perfect list of all the " debts, goods, and monies, that he or the hath, or can claim, in " this illand, and there made a full affignment and delivery thereof " unto the Provost-Marshal, for the use of the creditors, and have " further taken, in open Court, this following oath: I, A. B. de " (wear, that I have now delivered in to the Court a true and perfect . lift of all the debts, goods, and monies, which I have, or can any " way lay claim to, in this island; and that there bath not been, either " by myfelf, or any other by my direction, made over, concealed, or any ways secured for me, any other goods, debts, or monies, than is there expressed, excepting only five pounds, reserved for my necessary sub-" fiftence. So help me God;" and the goods, debts, and monies, fo " affigned and delivered unto the Provost-Marshal, shall be by him " accounted for, and paid unto the faid creditors, in fuch proportion " as by the said act is recited, for the hire or wages of the said fer-" vant; any law, custom, or usage heretofore notwithstanding:"

And whereas the faid herein before recited clauses of the hereit before recited acts have been found ineffectual and oppressive: For the remedying whereof, We, your Majesty's dutiful and loval subjects, the Assembly of this your island of Jamaica, most humbly befeech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Affembly of this your island of Jamaica, and it is hereby enacted by the authority of the same, That the herein before recited clauses of the herein before in part recited acts, and every part thereof, relative to such person or persons so imprisoned for debt under execution, and every part, matter, and thing therein contained, be, and the same are hereby repealed, annulled

and made void.

All fuch acts, and claufes of ads, to be re-Dealed.

Ganl-keepers to make out correct life of prifoners for euftody, fpecitying the time when, and perfonsat whofe fuit, they were committed, &c.

II. And be it further enacted by the authority aforefaid, That the Provost-Marmal-General, his deputy or deputies, gaoler, or keeps of any prison within any of the counties of this island respectively debt in their shall, and is hereby empowered and required to take and make a try and perfect lift, alphabetically, on oath, to be taken before a Judge or Commissioner of the Supreme Court (or Justice of Assiz if such list relates to the prisoners within the counties of Surry and Cornwall), of the name and names of all and every person and perfons who are, or hereafter shall be, in the actual custody of the said Provost-Marshal-General, his deputy or deputies, gaoler, or keeps of any prison respectively, upon any process what oever, for or of reason of any debt, damages, costs, sum or sum of money, and of the time and times when such prisoner or prisoners were charged if ACT 30.

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nd of ed II Stody custody, and received in prison; together with the name or names of the person or persons at whose suit such prisoner or prisoners is or are detained; and shall deliver the same, if within the county of Middlesex, to the Judges of the Supreme Court, the first Wednesday in each term; and if within the county of Surry, or county of Cornwall, to the Justices of Affize, Over and Terminer and Gaol-Delivery, for each of the said counties respectively, on the first Wednesday of each quarterly sitting of the said Assize Courts respectively.

III. And be it further enacted by the authority aforefaid, That, from How prisons and after the passing of this act, all and every person and persons, ers for debt may be rewhose names shall be inserted in such lists, to be delivered as afore-leased. faid, shall and may be for ever released and discharged from their imprisonment, in such manner as is herein after provided; that is to fay: It shall and may be lawful for the Chief Justice, or any Assistant Judge of the Supreme Court, or Justice of Assize for the counties of Cornwall and Surry respectively (upon the petition of such prisoner or prisoners), by warrant under his hand and seal, to require the said Provost-Marshal-General, his deputy or deputies, gaoler, or keeper of any prison within this island, to bring the body or bodies of such prisoner or prisoners, with the warrant, writ or writs, for his or her detainer, before the Supreme Court of Judicature, if within the county of Middlesex, or Assize Courts respectively, if within the counties of Surry or Cornwall; and fuch prisoner coming before such Court, at the times aforesaid, shall, in open Court, subscribe and deliver in a schedule of his or her whole estate, real and personal, either in posfession, reversion, or remainder, or held in trust for him or her, or for his or her benefit and advantage, and the names of his or her feveral debtors, and the feveral fums of money from them respectively keured, or owing upon any specialty, contract, or other account whatfoever, together with the names of the witnesses who can prove such debts or contracts (if there be any such), and shall be examined viva voce upon oath, in open Court, if required; and shall also, before he or the receives the benefit of this act, deliver up to the Provoft-Marshal, or his lawful deputy, all his or her messuages, lands, tenements, and other real estate, slaves, horses, mares, mules, cattle, and effects, that shall be in his or her power or possession, agreeable to the lift delivered in to the Court; which shall be by the Provost Marshal, or his lawful deputy, delivered over, after the discharge of fuch prisoner or prisoners, to the person or persons to whom the fame shall be affigned by order of the Court, as herein after mentioned, for the benefit of the creditors, agreeably to the true end and intention of this law; and make oath and swear (or, being a Quaker, folemnly affirm) to the following effect:

1787. Polimers for debt to take an oath in open court, to entitle them to the benefits se of this acl.

A. B. do swear (or solemnly affirm), that the schedule now de-1, " livered and subscribed by me doth contain, to the best of my knowledge, remembrance, and belief, a true, perfect, and just account and discovery of all the lands, slaves, goods, effects, and estates, real and personal, either in possession, reversion, or remainder, or in trust for me, or for my benefit and advantage, unto me in anywife belong. " ing and appertaining, and fuch debts as are to me owing, or to any person or persons in trust for me, and of all securities and contracts, " whereby any money now is, or will, or may hereafter become payable, " or any benefit or advantage accrue to me, or my use, together with " the names of the witnesses that can prove such debts or contracts; " and that neither I, nor any person or persons in trust for me, have " lands, slaves, money, stock, or any estate, real or personal, in posses-" fion, reversion, or remainder, other than what are in the same schedule " contained, except wearing apparel, bedding for mysef and family, " working tools, and necessary implements for my occupation or calling, " and these in the whole not exceeding Ten Pounds; and that I have not " made, or secured to be made, any payment to any creditor or credit-" ors, in preference to my creditors in general, fince my imprisonment. or three months previous thereto; and that I have not, nor any body " for me, directly or indirectly, fold, leffened, or otherwise conveyed, " disposed in trust, or concealed, all or any part of my land, slaves, " money, goods, chattels, stock, debts, securities, contracts, or estate " real or personal, whereby to secure the same, or to receive or expect " any profit or advantage thereof, or to defraud or deceive any creditor " or creditors to woom I am indebted, in anywife bowfoever; and that I " bave not, or any person for me, or for my use, directly or indirectly, " sent off this island any slave or slaves to me belonging, or which I " was or am any way interested in, or entitled unto, with the intent " aforesaid. SO HELP ME GOD."

Perfons unable to pay their gaolfees, may be discharged by the Court, on lowing oath in opencourt.

IV. And whereas it may often happen, that many unfortunate perfons may be imprisoned for debt under execution, or detained through inability to pay their fees due to the keeper or gaoler of any prison respectively, who have no effects, or estate real or personal, in possestaking the fel- fion, reversion, or remainder, or any debts due to him, her, or them, to be vested and affigned as aforesaid: For the relief of all and every fuch unhappy prisoner and prisoners, Be it further enacted by the autherity aforesaid, That it shall and may be lawful for the Supreme Court of Judicature, and Courts of Affize respectively, to release and for ever discharge the person and persons of such prisoner and prifoners so circumstanced, he, she, or they first making oath (or solemn affirmation, if a Quaker), in open Court, to the effect following; that is to fay;

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A. B. do swear (or, if a Quaker, folemnly affirm), that I have 19 " not, nor any person or persons in trust for me, or for my be-" nefit or advantage, or to me in anywife belonging, any effects or estate, " real or personal, in possession, reversion, or remainder, nor any aebts " due and owing to me, or to any person or persons in trust for me, to " the best of my knowledge, remembrance, and belief, except wearing apparel, bedding, working tools, and necessary implements of my occupation or calling, and those in the whole not exceeding the value of Ten " Pounds; and that I have not, nor any body for me, directly or indirectly, of fold, disposed of in trust, or concealed, any lands, slaves, monies, goods. " chattels, debts, securities, or contracts, or any other estate, real or " personal, whereby to secure the same, or to expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted, in anywife bowfoever; and that I have not " made, or secured to be made, any payment to any creditor or creditors, " in preference to my creditors in general, fince my imprisonment, or " three menths previous thereto. SO HELP ME GOD."

Provided, That no person whatever, who hath taken the benefit of No person this act, or of any former act of infolvency of this island, shall take, benefit of this or be entitled to take, the benefit of this act a second time. Pro- act a second vided nevertheles, and be it enacted by the authority aforesaid, That the gaoler or keeper of any prison respectively, upon a certificate of Gaol-fees to the Supreme Court, or Courts of Assize respectively, shall be entitled Receiverto receive payment of such gaol-fees, as shall be justly and lawfully General. due to him, from the Receiver-General of this island for the time being, who is hereby required and empowered to pay the same out of any public monies in his hands, upon the production of fuch certifiate by fuch gaoler or keeper respectively.

V. Provided always, and be t enacted by the authority aforefaid, That notwithstanding the person of any prisoner or prisoners shall be The future discharged under this act, the future estate and effects of every such effects of perprisoner and prisoners shall remain and be liable to his, her, and their the benefit of espective creditors, as before the making of this act; and any cre-this act, liable to be seized litor or creditors of any such prisoner and prisoners, his, her, or their on by ereexecutors or administrators, may at any time hereafter sue out execuion, extents, or other process, on any judgment at the time of such ischarge recovered, or recognizance acknowledged by, or sentence or ecree obtained against any such prisoner or prisoners, but not against is, her, or their person, or his, her, or their respective wearing apwel, bedding, working tools or implements, as aforesaid. Provided If, and be it enacted by the authority aforesaid, That notwithstandng the discharge of any prisoner or prisoners, by virtue of this act,

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if it shall hereafter appear the same was obtained fraudulently, the fame shall be void, and of none effect.

Perfoas guilty of wilfai perjury, to be adjudged felons.

VI. And be it further enacted by the authority aforesaid, That if any person, enabled to take the benefit of this act, shall forswear or perjure himself, herself, or themselves, in any of the matters aforesaid, and shall be lawfully convicted of wilful perjury, he or the shall be adjudged a felon, without the benefit of clergy, and fuffer accordingly.

The Court to appoint afof the bankrupt, and to fue for and recoverdebts, for the benefit of the creditors.

VII. And be it further enacted by the authority aforesaid, That the faid Supreme Court, or Courts of Affize respectively, shall, at their Agrees, who discretion, nominate and appoint one, two, or more of the creditors property, &c. of fuch infolvent Debtor respectively, in trust for himself, or themselves, and the rest of the creditors; which said assignce or assignces is and are hereby empowered to enter upon, and possess himself and themselves of all and every the lands, slaves, and other estate, real and personal, of such prisoner, in as full and ample manner as such prisoner held and enjoyed the same, and the same to sell and dispose of, for the benefit of themselves and the rest of such creditors; and likewise to sue, in his, her, or their own name and names, for, and to recover and receive, and give sufficient discharge or discharges for, fuch debts and effects; and also to execute any trust or power vested in, or created for the use or benefit of, such prisoner, for the use and benefit of themselves and the rest of such creditors; and fully to diwide the faid prisoner's estate and effects, or the monies arising from the fale or disposition thereof, amongst such of the faid creditors of fuch prisoner, according to his, her, or their priority; who, within one month after notice of such intended dividend, published in one of the Kingston newspapers, shall produce to such affignee or affignees an account of his, her, or their debt or debts, or other demands in execution, or upon judgment, against such prisoner; and, upon a full payment or discharge of such debts or demands, if any balance shall be and remain in the hands and possession of such assignee or assignees, the same shall be divided amongst all and every the other creditors of fuch prisoner, who, within one month after notice of such intended dividend, shall produce to such affignee or affignees an affidavit, made before any Justice of the Peace, who is hereby empowered and required to administer the same, proving his or her debt from the said prisoner so discharged, in equal proportions, according to their respective debts; and after the same is recovered and received, to render the overplus, if any shall be (their own debts and charges first deducted), to the prisoner, his executors or administrators: Provided always, That nothing herein contained shall extend to prejudice any estate, interest, or right whatsoever, of any other person or persons than

ACT 30.

than the said prisoner, which may be expectant upon, or subject unto the estate or interest of the said prisoner, hereby vested in the Clerk of the Supreme Court for the time being, but that the estate, intereft, and all rights whatfoever of every fuch person or persons as aforefaid, shall remain and continue in the same manner as if this act had not been made. Provided also, and be it enacted by the authority aforefaid, That nothing in this act shall extend, or be construed to hinder or prevent any mortgage or mortgages upon the estate of such prifoner or prisoners, or any part thereof, to take place upon the lands, flaves, tenements, or hereditaments comprised in such mortgage or mortgages respectively, in such manner only as if this act had not been made.

VIII. And be it further enacted by the authority aforefaid, That fuch Suchaffiguees affignce or affignces is and are hereby empowered to make composition to compared with any person or persons, debtors or accountants to such prisoner with the destor prisoners, where the same shall appear necessary or reasonable, in bankrupt. full discharge of such debts and accounts, and also to submit any difference or dispute between such assignee or assignees, and any perfon or persons whatsoever for or on account of such prisoner or prisoners, his, her, or their estate or effects, to the determination of arbitrators, to be chosen by such assignee or assignees, and the party or parties with whom they shall have such difference or dispute: Provided always, and it is bereby enacted by the authority aforefail, That in all cases where mutual credit has been given between any prisoner or prisoners who shall be discharged in pursuance of this act, and any other person or persons, body-politic or corporate, before the delivery of such schedule of the estate and effects of fuch prisoner and prisoners, the respective assignee or assignees of fuch prisoner or prisoners is and are hereby authorised and required, on his and their parts, to state and allow an account between them and the other party or parties concerned; and nothing more shall be deemed the estate and effects of such prisoner or prisoners, than what shall appear justly due to him, her, or them respectively, as and for the balance of tuch account, when truly stated.

1X. And be it further enacted by the authority aforesaid, That it The Supreme shall and may be lawful for the Supreme Court of Judicature, from Court to diftime to time, upon the petition of any fuch creditor or creditors of of fuch affuch prisoner or prisoners, complaining of any insufficiency, fraud, fences or inmismanagement, or other misbehaviour of all or any of the assignees sufficiency, to whom the estate and effects of such prisoner or prisoners shall be others. affigned, upon hearing the parties concerned therein, upon oath or affidavit, to make and give such orders and directions therein, either for the removal or displacing such affignee or assignees, and the ap-

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pointing any new affiguee or affiguees, in the place or flead of any fuch affiguee or affiguees fo to be removed or displaced, or for the prudent, just, and equitable management or distribution of the full estate and effects, as the find Court shall think fit: and, in case of the appointing any new allignee or allignees, the estate and effects of such priloner or priloners shall from thenceforth be divested out of the aifignee or affignees to removed or displaced, and be vested in, and delivered over to, such new assignee or assignees, in the same manner, and to the fame intents and purpoles, as the same were before veited in the affignee or affignees, as aforefaid.

Impr foned Debtars, before they can claim the benefit of this months:

> and give three ditors.

the deputymarshal, for of ereditors.

X. And be it further enasted by the authority aforesaid, That all and every prisoner and prisoners, who shall so petition to be diicharged under this act, before he or the shall have the benefit of this act, shall be in actual custody, upon execution or venditioni, for three main in actual months; or, if on arrest, three months after judgment shall have custody three been admitted or obtained; and shall cause public notice to be inserted in one of the Kingston newspapers for three weeks previous to the weeks public fitting of the Supreme Court, or Courts of Affize respectively, containing the name, trade, or occupation, and last place of abode of fuch prisoner or prisoners, and the prison wherein he, she, or they is or are confined, and his, her, or their intention to take the benefit of this act, and mentioning such notice, in such Kingston newspapers as aforefaid, to be the first, second, or third notice, according to the time of publishing such notice as aforefaid: Provided never-Prisoners for theless, That all and every prisoner for debt, so advertising, (if a merdebt to lodge thant, shopkeeper, tradefman or other person who usually keeps, or accounts with who actually has kept books of account), shall not be entitled to the benefit of this act, unless he shall, three weeks previous to the sitting the inspection of the Supreme Court, or Courts of Assize respectively, lodge such his books of account, of all his transactions and dealings for tw lve months past, in the hands of the deputy-marthal, or keeper of the gaol where he or the is imprisoned; and mention that he or the has so done, in the advertisements directed to be published as aforeign, to the end that such books may be inspected and examined by any of his or her creditors, if they shall think fit, previous to the discharge of fuch prisoner under this act.

Continuance of this act.

XI. And be it further enacted, That this act shall continue and it in force, from the first day of January, which will be in the year of Our Lord one thousand seven hundred and eighty-eight, for the space of feven years, and no longer.

GI-31.

An Act for regulating the Fees of the Masters of the High Passed the 22d Court of Chancery of this Island.

HEREAS an act of this island, entitled, " An Act for regu- ACT 31. lating Fees," hath regulated the Fees to be given to the Preamble. Masters in Chancery in part only: And whereas much business is transacted before the said Masters, for which no Fees are established by law, but the Fees are left discretionary; which has been and may be attended with great inconvenience to the fuitors of the faid Court: For the prevention whereof, and to fettle and afcertain by law the fees to be by them taken, We, your Majesty's dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly, of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted; Be it therefore enactes and ordained by the authority of the fame, That the feveral Masters of the High Court of Edablishment Chancery of this island shall, from and after the thirty-first day of of Fees to be December, in the present year of Our Lord one thousand seven hun-Masters in dred and eighty-feven, be paid and allowed, and have and receive, the several sums of money herein after mentioned and directed to be paid and received by them, as and for their Fees; viz. For an affidavit or oath to every answer, one shilling and three pence, and for his trouble in examining, making up, fealing, and returning fuch answer to the Court, eight shillings and nine pence; for all other affidavits, one shilling and three pence; for his attendance in taking the examination of witnesses under and by virtue of any commission issuing out of the High Court of Chancery of this island, in any cause to them or either of them directed, two pounds ten shillings per day; for copying and transcribing fair the examination or examinations of any witnesses to be by them figned, one shilling and three pence per sheet, containing twelve words in a line and twenty lines in a sheet; for every warrant or fummons for the parties to attend before him, five shillings, and for every certificate figned by such Master, five shillings; for every day the said Master shall attend at the instance of either of the parties, or their folicitors, to take and fettle the feveral accounts directed by the faid Court, and for other business to be done and transacted before him, by virtue of such order, two pounds ten thillings; for taking the examination of witnesses before him, at the instance of any of the parties or their solicitors, by virtue of any decretal order of the faid Court, made in any cause to him directed, two pounds ten shillings per day; for every exhibit marked or figned by him, and made in proof when a cause shall be at commission, or

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any account exhibited before him, on reference (excepting any receipts or vouchers which may be produced to prove the authenticity of any accounts) taken before him, two shillings and fix pence; for drawing the draft of his report to be laid before the parties or their folicitors, one shilling and three pence per sheet, containing twelve words in a line and twenty lines in a sheet, and a fair copy thereof to be returned to the Court, at and after the same rate; for a copy of the faid report, if required thereto by the parties or their folicitors, one shilling and three pence per sheet, containing twelve words in a line and twenty lines in a sheet; for copies of accounts, to contain twenty lines in a fide, and twelve words in a line, befides the columns for dates and fums, one shilling and three pence; for their trouble in attending the fale of any lands, flaves, or other premifes, by virtue of and under any order or decree of the faid Court, five pounds for each day's attendance on fuch fale, if in any of the three towns of Saint Jago de la Vega, Port-Royal, or Kingston, over and above any travelling expences such Master may be put to in going from the place of his abode to either of the faid towns; but in case it shall be necessary for any such Master, to go from his place of residence in any of the said towns to any other place, at the delire of either of the said parties who shall be interested in any sale or other business to be by them done by virtue of any order of the Court of Chancery, fuch Master shall be at liberty to take and receive from such person or persons who shall defire such his attendance from his place of residence, all fuch fum and fums of money as shall be agreed to be paid him for fuch his trouble; for taxing a bill of costs, one pound five shillings.

Matters takother Fees than are alact, to forfeit be incapacitated to bear faid office.

II. And be it further enacted by the authority aforefaid, That in ing greater or case the Master or Masters of the Court of Chancery of this island, from and after the commencement of this act, on any pretence whatlowed by this foever, presume to ask, demand, take or receive any greater or other Fees, sum or sums of money, or other reward, save what is herein before prescribed, all and every such Matter or Masters so asking, demanding, taking, or receiving, shall, for every offence, forfeit the fum of Five Hundred Pounds, current money of Jamaica, one moiety whereof shall be to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, of him that shall sue for the same, and be further incapacitated to bear any such office or place of trust.

III. And be it further enacted by the authority aforefied, That the Sons to be al. faid Masters, any or either of them, where any sale or sales are dilowed here- rected to be before a Master, such Master shall not be entitled, upon after, to Master shall not be entitled, upon bers on falce fuch fale or fales of fuch purchase, to any fum or fums of money

whatever

whatever for commissions, or for his trouble in lieu thereof, but shall be entitled to such Fees only for his attendance at such fales as is herein before mentioned; any thing in this or any other act, law, der decrees. custom, or usage to the contrary thereof in any wise notwithstanding.

IV. And be it further enacted by the authority aforefaid, That all so much of and every clause and clauses, particularly enumerating Fees only, in act as relates any former act or acts for regulating Fees, fo far as relates to any Fees to the Fees of Matters, reto be taken by the Masters of the said Court of Chancery, shall be pealed. and are hereby repealed, annulled, and made void, to all intents and purposes whatsoever; any thing in such former act or acts, law, cuftom, or usage to the contrary thereof in any wife notwithstanding.

V. And be it further enacted by the authority aforefrid, That the fe-Matters to atveral Masters of the said Court of Chancery shall give his and their at their offiattendance, on all days by him or them appointed to transact or carry ces, from 9 to on any business which shall be by the said Court referred to him, at noon. his office, from Nine to Twelve of the clock in the forenoon of fuch days; and that the day's attendance for which he is to be paid by virtue of this act, for butiness to be by him transacted, shall be so paid to him in proportion to the time he fo fits and transacts business, to be computed in the manner aforefaid.

VI. And be it further enacted by the authority aforesaid, That a Table of table of the above-mentioned fums, allowed as fees to the faid Maf- Mafters Fees ters, be affixed and kept up at the most public place of the office of in the Regithe Register of the High Court of Chancery of this island, within "ei's Office, fixty days next after the commencement of this act, by the Register nalty of sol. of the faid Court, under the penalty of Fifty Pounds current money

of Jamaica.

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VII. And be it further enacted by the authority aforesaid, That in Matter's bill case of any dispute between the Master and the parties, or their to be taxed by folicitors, relative to their demands for costs to be paid to them, the bill of fuch Master shall be referred to the Register of the said Court, to be taxed, subject to the further order of the said Court, according to this law.

VIII. And be it further enacted by the authority aforefuld, That Register's fee for such taxation the Register shall be allowed the sum of one pound for the same.

hve shillings, and no more.

IX. And be it further enacted by the authority aforefuld, That all Penaltics how penalties and forfeitures, in this act before mentioned, shall be reco-to be receivered and apvered by action of debt, bill, plaint, or information, in the Supreme plied. Court of Judicature of this island, wherein no essoin, imparlance, wager of law, or injunction shall be granted, or Non vult ulterius projegui be entered or allowed; one monety whereof shall be to our Sovereign Lord the King, his heirs and jucceffors, for and towards

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the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him who shall sue for the same; any law, custom, or usage to the contrary tere of in any wise notwithstanding.

C sinn ce of this acti X. And be it further enacted by the authority aforefaid, That this act, and every clause, matter, and thing therein contained, shall continue and be in force from the thirty-first day of December, in the present year of Our Lord one thousand seven hundred and eighty-feven, until the thirty-first day of December, which will be in the year of Our Lord one thousand seven hundred and ninety-fix, and no longer.

Paffed the 22d

An Act for the better regulating the Police within the Town of Saint Jago de la Vega; for the better Security of the Public Records, in case of Fire in the said Town; and for other Purposes.

ACT 32.

THEREAS it will greatly tend to the fecurity of the public records of this island, which are kept in the buildings commonly called the Public Buildings, fituated in the town of Saint Jago de la Vega, and also of the King's House, and the property of the inhabitants of the faid town in general, from accidents and dangers of fire, if the number of tippling and punch-shops, and the retailers of rum and other spirituous liquors, should be limited; also, if such tipplinghouses, and all hucksters shops, half and half shops, baking-houses, and blacksmiths shops, be prevented, and prohibited from being keptwithin a certain distance of the said Public Buildings, and also if a proper time of the day was limited for the vending of spirituous and other liquors within the faid town: We, therefore, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, most humbly beseech your Majesty that it may be enacted; and be it enacted by the Lieutenant-Governor, Council, and Assem ly of the said island, and it is hereby enacted and ordained by the authority of the same, That from and after the first day of January, which will be in the year of Our Lord one thousand feven hundred and eighty-eight, no person whatsoever, in the faid town of Saint Jago de la Vega, shall pretume, by him, her, or themselves, or by any perion or perions whatsoever to be employed by him, her, or them, or for his, her, or their benefit, to retail any rum, rum-punch, or any other mixture of rum, or any other distilled spirituous liquor, or other liquor, without first taking

No person to retail rum, &c. with ut having a li-

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out a license for that purpose, in such manner as licenses have been heretofore taken out; which licente thall not be granted, but upon certificate from under the hands of the Churchwardens, and a majority of the Vestry of the said parish for the time being, and also of fix other of the inhabitants of the faid town, being freeholders of the parish of Saint Catherine, capable of sitting as Vestrymen, and voting for members to fit in the Assembly, that he, she, or they is or are fober and discreet, and duly qualified and fit to be trusted to fell and dispose of such rum, rum-punch, or other mixture of rum, or other distilled spirituous liquors, or other liquor; which certificate shill be recorded in the office of the Clerk of the Peace of the faid parish of Saint Catherine, before such licente shall be granted.

II. And be it further enacted by the authority aforefaid, That no Retailers of person or persons whomsoever shall have a license granted unto him, tur, &c. mult her, or them, for the fale of rum, rum-punch, or any other mixture fici nt b nd, of rum, or any other distilled spirituous liquor, or other liquor, to keep good without first becoming bound to the Churchwarden or Churchwar- in their shops dens of the faid parish of Saint Catherine, for the time being, and to their fuccessor or successors, in a bond, with two sufficient securities (fuch securities to be freeholders of the said parish), in the sum of one hundred pounds, for maintenance of good order and rule in the house or shop where he, she, or they shall so sell or dispose of the faid rum, rum-punch, or other distilled spirituous liquot, or other liquor, and that he, she, or they will not retail, vend, or dispose

in the morning, or after the hour of fix of the clock in the evening. III. And be it further enacted by the authority aforefaid, That no Rum &c. not person or persons, to whom such license or licenses as aforesaid shall to be f ld bebe granted, shall fell by retail any rum, rum-punch, or other mix- in the mornture of rum, or other distilled spirituous liquor, or shall keep his, ing. nor after her, or their shop open before the faid hour of fix in the morning, or the evening. after the faid hour of fix of the clock in the evening, under the penalty of forfeiting the fum of Ten Pounds for every fuch offence.

thereof, or keep his, her, or their shop open, before the hour of fix

IV. And be it further enacted by the authority aforefaid, That no Licers stobe licentes, for the purposes aforesaid, shall be granted for more than granted for one year, to commence on the twentieth day of January one thousand one year only. seven hundred and eighty-eight; and that there shall be no licenses granted to any, but such persons in the faid town as the Justices in I slion shall approve of; and that, for every such license, the person receiving the same shall pay the sum of two pounds ten shillings to the Clerk of the Peace of the faid parish of paint Catherine, as and for his trouble in taking the find bond, recording the certificate, and passing the licence, and the further rum or ren younds to the Church-

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wardens of the faid parith for the time being, for the use of the poor

Penalty on persons felling rum, &c.

of the faid parish.

V. And be it further enacted by the authority aforesaid, That no person or persons whomsoever, not having a license granted, in the without a li- manner as herein before directed, and in force, shall vend, sell, dif. pose, or deliver any rum, rum-punch, or other mixture of rum, or any other distilled spirituous liquor, or other liquor, by retail, under the penalty of Twenty Pounds, and one month's imprisonment; which forfeiture and penalty shall be heard, adjudged, recovered, and determined by two of his Majesty's Justices of the Peace for the precinct of Saint Catherine; and that the evidence of any one white person shall be sufficient to convict such offender or offenders, if against a white person; and if against a mulatto, Indian, or negro, the evidence of any one white person, mulatto, Indian, or negro, shall be sufficient to convict him, her, or them; any law, custom, or usage to the contrary notwithstanding: And that every person to whom fuch license shall be granted, shall put his name, in a conspicuous place, over the door of his shop or house, with the words, " Rum fold by License," under the penalty of being deemed an unlicensed person under this act, and punished accordingly.

tailers to have their names over their door, &c.

Licensed re-

VI. And, for the better preventing disorders in the houses or shops where such rum, rum-punch, or other spirituous liquor, or other liquor, shall be fold, be it further enacted, That no license shall be ded in the pa- granted to any person who has not been resident in the said parish, and paid taxes therein, for one year next before the granting of fuch license.

Licenses not to be granted, but to fuch as have refirifh twelve months.

> VII. And be it further enacted by the authority aforesaid, That no person or persons whomsoever shall keep any of the aforesaid shops or houses, or sell gunpowder, within the space of one hundred vards clear of the King's House and of the said Public Offices, under the penalty of Twenty Pounds for every such offence, and being for ever thereafter rendered incapable of having such license as aforesaid granted to him, her, or them; such penalty or fine to be recovered, heard, and determined by any two or more of his Majesty's Justices of the Peace for the faid precinct of Saint Catherine, and that the evidence of any person, being a competent witness, shall be sufficient to convict such offender or offenders.

No rum, &c. to be retailed within Ica yards of the Publie Offi-

> VIII. And be it further enacted by the authority aforefaid, That any person within the said town, who shall sell or dispose of, to any one person at one time, less than twenty gallons of rum, shall be deemed and confidered a retailer, within the intent and meaning of this act; and that no person or persons whomsoever shall be allowed to keep more than neo shop for the retailing of rum, or rum-punch, or other

Perfons felling rum in any quantity under so gal lons, to be deemed retailers.

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ACT 32.

other liquor, by virtue of any fuch license as aforesaid, under the like penalty as is herein before given for persons selling rum, or rum-punch, or any other mixture of rum, or other distilled spirituous liquor, or other liquor, without a license first had and obtained as aforesaid: Provided always, That nothing herein before contained shall affect any tavern-keeper or tavern-keepers, who hath, or have, or shall hereafter have, grand licenses to sell wine, rum, brandy, arrack, gin, and other liquors: And provided also, That nothing herein contained shall extend to persons selling wines. arrack, brandy, gin, cyder, perry, or malt liquor in bottles, by the dozen, or any greater quantity.

IX. And whereas, in case of fire in the said town of Saint Jago de la Vega, many houses would be burnt and consumed before such fires could be extinguished, to the impoverishment and utter ruin of many of the inhabitants of the faid town, the rage and violence whereof might in a great measure be prevented, if a sufficient number of engines and buckets, with proper persons to work the said engines, were provided: For the providing whereof, Be it further enacted by the authority aforefaid, That, from and after the first day of Housekeepers May next, every housekeeper in the said town of Saint Jago de la to provide leather bue-Vega, who shall be affested in the parish-books of the said town at kets, and have the fum of twenty pounds and upwards, shall from time to time, and able negroes inreadings to at all times, be provided with, and keep in good order and repair, affit in extintwo leather buckets, each of which to contain two gallons and one guishing free. half of a gallon at the least, and on which shall be painted the name of fuch housekeeper at full length; and that every housekeeper shall, on every emergency or alarm of fire, provide one able negro to carry the faid buckets to such fire, and to affift in the extinguishment thereof: and that every housekeeper in the said town of Saint Jago de la Vega, who shall be affessed in the said parish-books at the sum of fixty pounds and upwards, shall in like manner be provided with, and keep in good order and repair, four leather buckets, each of which to contain the like quantity as above mentioned, and on which shall also be painted the name of such housekeeper at full length; and that every fuch housekeeper, who shall be so affested in the said parish-books as last aforesaid, shall, on every emergency or alarm of fire, provide two able negroes to carry the faid buckets to fuch fire, and to affift in the extinguishment thereof: And that every housekeeper in the said town of Saint Jago de la Vega, who shall be affeffed in the faid parish-books at the sum of one hundred pounds and upwards, shall in like manner be provided with, and keep in good order and repair, fix leather buckets, each of which to contain the like quantity as above mentioned, and on which shall also be painted

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painted the name of fuch housekeeper at full length; and that every fuch housekeeper, who shall be so affessed as last aforesaid, shall, on every emergency or alarm of fire, provide three able negroes to carry the faid buckets to fuch fire, and to affift in the extinguishment thereof: And, in default of having and keeping in good repair such leather buckets as aforesaid, every such housekeeper as aforesaid, so making default, and being convicted thereof before two of his Majesty's Justices of the Peace for the said precinct of Saint Catherine, upon the testimony or oath of one or more credible witness or witnesses, or on the view of any one or more Justice or Justices of the Peace for the faid precinct of Saint Catherine, shall forfeit and pay the fum of Two Pounds for every bucket that shall not be so provided and kept in good repair, as aforefaid; one moiety thereof to the informer, in case conviction shall be upon information as aforesaid, and the other moiety thereof to the poor of the said parish of Saint Catherine; and in case such conviction shall be upon the view of any Justice or Justices of the Peace, as aforesaid, then the whole of every fuch forfeiture shall be to the use of the poor of the said parish of Saint Catherine, to be recovered by warrant from two of his Majesty's Justices of the Peace of the said precinct, by distress and sale of the goods of such housekeeper so making default as aforesaid; the overplus, if any there be, to be returned to the owner thereof.

Churchwardens of St. Catherine to provide, and keep in good repair, three engines for extinguishing of fires, under penalty of 1el. each.

MVSEVM BRITANNICVM

Juftices, &c. empowered to appoint proper perfons as cap-

X. And be it further enacted by the authority aforesaid, That, from and after the faid twentieth day of January one thousand seven hundred and eighty-eight, the Churchwardens of the said parish of Saint Catherine shall from time to time, and at all times, have, and keep in good order and repair, in the faid town of Saint Jago de la Vega, three engines, to throw up water for the extinguishing of fires, with proper leather pipes and fockets, and a sufficient number of firehooks, and other proper implements for the extinguishment of fire; and, in default thereof, the faid Churchwardens to making default, and being thereof convicted, on information on oath before two of his Majesty's Justices of the Peace for the precinct of Saint Catherine, shall forfeit and pay the sum of Ten Pounds each; one moiety thereof to the informer, and the other moiety to the poor of the faid parish of Saint Catherine; to be recovered by warrant from two of his Majesty's Justices of the Peace for the said precinct, by distress and fale of the goods of every fuch Churchwarden making fuch default, and the overplus, if any be, to be returned to the owner thereof.

XI. And be it further enacted by the authority aforesaid, That the Justices and Vestry of the said parish of Saint Catherine for the time being shall, and they are hereby empowered, from time to time, and at all times hereaster, to hire or employ a skilful person, as a captain

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or manager of every such engine so to be provided as aforesaid, and to pay every person which shall be so hired and employed, for the purposes aforesaid, such annual or other salary as to them shall feem tains or manaexpedient, and also to reward all such persons, negroes and others, such engine, as they shall think entitled to be paid for their extraordinary activity &c. and attention exercised in the extinguishment of any such fire or fires, as to them shall feem meet.

XII. And be it further enacted by the authority aforesaid, That, Rewards to upon every alarm and breaking out of fire in the faid town of Saint captains of engines who Jago de la Vega, the captain or manager of the engine which shall shall first arfirst arrive at the place where any such fire shall happen, shall be paid rive at fires, the sum of ten pounds; and the captain or manager of the engine which shall be the second at the said fire, shall be paid the sum of five pounds, by the Churchwardens and Vestry of the said town for the time being, as an encouragement for the attention and activity of fuch captain or manager.

XIII. And be it further enacted by the authority aforesaid, That Juffices and the Justices and Vestry of the said town of Saint Jago de la Vega, Vestry to affor the time being, are hereby authorised and empowered, from time bitants, in orto time, to tax and affess the inhabitants of the said town all such the expense fum and fums of money as they shall think necessary for the purchase of engines, and keeping in repair such engines, herein before directed to be pur- repairs, &c. chased and kept in repair as aforesaid, and for paying and defraying the falaries of fuch captains or managers of the faid engines, fo to be employed as aforefaid, and for fatisfying fuch rewards as are hereby directed to be given to the captains or managers of the faid fire-engines, so as aforesaid first arriving at any place where such fire shall happen, or fuch other persons particularly active in the extinguishment of any fuch fire as before mentioned, as the faid Justices and Vestry shall think proper.

XIV. And be it further enacted and ordained by the authority aforefaid, That, from and after the faid twentieth day of January, in the Juffices, &c. year of Our Lord one thousand seven hundred and eighty-eight, the appoint ave Justices and Vestry of the said parish of Saint Catherine shall, at the frewardons, next Vestry to be holden in and for the said parish after the said twentieth day of January, one thousand seven hundred and eighty-eight. yearly and every year, and they are hereby directed, authorifed, and empowered, annually to elect and choose, nominate and appoint, five of the inhabitants of the faid town as firewardens, two of whom at . the least to be Justices of the Peace for the said parish, who shall thenceforward be denominated Firewa dens for the current year, and shall take and subscribe, before one of his Majesty's Justices of the Peace for the faid parish, the following oath; which oath, all and

1787. every of the faid Justices of the Peace of the said precinct are hereby authorised and empowered to administer; viz.

> I, A. B. do swear, that I will well and faithfully, and to the best " and utmost of my power and ability, execute and discharge " the office of firewarden for the town of Saint Jago de la Vega for " the current year, as directed by an act of the Lieutenant-Governor, " Council, and Affembly of this island, in that case lately made and " provided, entitled, " An act for the better regulating the police " within the town of Saint Jago de la Vega; for the better fecurity " of the public records, in case of fire in the said town; and for " other purposes." " SO HELP ME GOD."

the office of Arewarden.

XV. And be it further enacted and ordained by the authority afore-Penalty on faid, That in case any such person, so appointed to the office of fireing to accept warden, shall, after such appointment, resuse to take upon him the faid office, and shall not, within ten days after notice in writing of fuch his appointment shall be given to him, by or from any one of the faid Justices or Vestry for the time being, take and subscribe the faid oath, fuch person, so refusing to take upon him the said office, and subscribe the said oath, shall forfeit and pay the sum of Twenty Pounds, for the use of the poor of the said parish, to be recovered by warrant from two of his Majesty's Justices of the Peace of the faid parish, by distress and sale of the goods of such person so refufing; the overplus, if any, to be returned to the owner thereof.

ing of Ares.

XVI. And be it further enacted and ordained by the authority afore-Firewardens faid, That the said firewardens shall have, and be invested with, and fole direction they are hereby invested with the sole and absolute direction of the in extinguish- extinguishment of such fires which may so happen as aforesaid; and that the officers and soldiers of the military, that shall be present at any fuch fire, shall receive from the said firewardens directions as to their conduct; and that the faid firewardens, and each of them, shall, at every such fire, have a white staff, to denote his office, and the same to be purchased at the expense of the parish, and delivered over to their fuccessors.

ing in extinguifhing of fires, to be exempted cial process.

Firewardens

and confa-

XVII. And be it further enacted and ordained by the authority Persons affire aforesaid, That the said firewardens, during the execution of their duty, and all other persons whomsoever attending and assisting in the extinguishment of such fire, which shall so happen as aforesaid, from all judi. and for twenty-four hours afterwards, shall be exempted from all judicial process whatsoever.

> XVIII. And be it further enacted and ordained by the authority aforefaid, That upon the breaking out of any fire within the faid

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town of Saint Jago de la Vega, the said firewardens, and all constables and beadles (upon notice thereof), shall immediately repair to the place where the faid fire shall happen, with their staves, and at all fires, in other their badges of authority, and be aiding and affifting as well order to affit in the extinguishing the said fire, as causing negroes and others to ing the same, work at the engines, and also to prevent goods being stolen, and shall and preventseize and apprehend all ill-disposed persons that they shall find stealing and pilfering from the inhabitants; and also, that the said firewardens, constables, and beadles, shall give their utmost affistance to help the inhabitants to remove their faid goods.

XIX. And be it further enacted and ordained by the authority aforefaid, That the faid firewardens, or any two or more of them, shall, Firewardens and they are hereby directed, required, and empowered, once in every time to time three months, to examine into, and superintend the working of the to superintendthewerkfaid engines, to the intent that the same may be kept in perfect and ing of the encomplete repair, and once in every fix months to examine the buckets examine the through the said town of Saint Jago de la Vega, for the like purpose, buckets. to the end that the faid engines and buckets may be constantly ready

and fit for immediate use, in case of any sudden emergency.

XX. And be it further enacted and ordained by the authority aforefaid, That when any fire shall happen to break out in the said town Firewardens of Saint Jago de la Vega, the said firewardens, or the major part of to pull down them who shall be present at such fire, shall and may, and they are or blow up houses. hereby empowered to give all fuch directions for the pulling down or blowing up any fuch house or houses as shall be by them thought meet to be pulled down or blown up, for the stopping and preventing the further spreading of the same; and if it shall happen that the pulling down or blowing up any fuch house or houses, by the direction aforesaid, shall be the occasion of stopping the said fire, or the fire shall stop before it reaches such house or houses, so pulled down or blown up as aforesaid, that then, and in either of the said cases, the proprietor or proprietors of such house or houses so pulled down or blown up, as aforesaid, shall receive satisfaction, and be paid for the fame by the rest of the inhabitants whose houses shall not be burnt; and the Justices, Churchwardens, and Vestry of the said parish for the time being, in vestry affembled, are hereby empowered to value and appraise the said house, and the said Justices and Vestry are to make fuch rate or rates for the raising and levying such sum or fums of money as they in their judgment shall think necessary and expedient for that purpose: Provided always, That if the house where any fire shall first begin and break out, shall be adjudged necessary to be pulled down, or blown up, to hinder the further spreading and increase thereof, then the proprietor of the said house shall received

1787.

1787. no manner of satisfaction for the same; any thing in this act to the

contrary notwithstanding.

Slaves found in the streets betwixt the hours of ten at night and five in the morning, how to be dealt with.

XXI. And whereas the flaves in and about the faid town are fuffered to go about the streets and lanes of the said town at all hours of the night, to the great annoyance of the inhabitants, and injury to the health of the faid flaves: For prevention whereof in future, Beit further enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful for any magistrate or constable, or any housekeeper in the said town of Saint Jago de la Vega whose house-rent is rated in the parish-books at forty pounds per annum, or upwards, to take up any negro or other flave who shall be found in any of the streets, lanes, or avenues of the said town, after the hour of ten at night, or before the hour of five in the morning, without a ticket from the matter, or mistress, or owner of such flave or flaves, or who shall not be attending, and have under his or their care, a wain, waggon, coach, or other carriage, and to carry fuch flave or flaves to the workhouse of the said parish, and the overseer and supervisor of such workhouse are hereby empowered to receive fuch flave or flaves therein; and fuch flave or flaves, so committed to the faid workhouse, shall not be released therefrom but by order of one of his Majesty's Justices of the Peace of the said precinct, who, upon application made by the master, or mistress, or owner of fuch flave, or any person on his or their behalf, shall summon the party who committed fuch flave to appear before him, and, upon hearing the cause of such commitment, shall either release such slave, or continue such commitment to any period not exceeding Five Days, as he in his discretion shall think fit.

XXII. And whereas the streets and lanes of the said town of Saint Jago de la Vega, and the paths and avenues leading into and out of the same, are greatly encumbered, and in many places almost choaked up by dunghills and other filth, and, by the great number of penguin fences, and popanae and other trees and bushes growing in and about the same, which harbour vermin of all kinds, and of persons drying raw hides within the faid town, and such lots of land as are not built on or inclosed, but lie open, are converted into places for receiving the dung and rubbish of the town, and many ill-disposed persons in the said town throw and deposit broken glass and earthen ware in the streets, lanes, and avenues of the said town, to the great danger and annoyance of the inhabitants: And whereas if the negroes received into the workhouse of the said parish of St. Catherine were employed in keeping the streets, lanes, and avenues of the said town clean and open, and in repairing the streets thereof, and also in cleaning the Savanna or Race-ground, adjoining to the faid town, and

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some proper places were appointed for the laying and depositing of 1787. such filth, dung, broken glass and earthen ware, and rubbish, as shall be made in the said town, and such penguins, popanac and other trees and bushes, rooted up, and the streets and lanes, and such parts of the ways and avenues immediately leading into and out of Workhouse the fame, and also such lots of land as are not built upon and en-negroes to closed, kept clean and open, it would greatly contribute to the keepin repair, healthiness and convenience of the inhabitants: Be it therefore enacted of St. Jago de by the authority aforesaid, That, from and after the first day of Janu- la Vega. ary aforesaid, the corporation of the said workhouse do employ, or cause to be employed, the said negroes received into the aforesaid workhouse, to cleanse the streets and lanes, and such parts of the ways, paths, roads, and avenues that are immediately joining on and leading into the same, and the vacant and uninclosed lots of land in the faid town, and to remove and carry away the filth, dunghills, and rubbish of all kinds that are in and among the same, and to root up, cut down, and destroy all such penguin sences, popanac and other trees and bushes, and other impediments as are in the said fireets, lanes, paths, roads, ways, and avenues, in or immediately joining to, and leading into and out of the said town, or any part of the fame, or in the vacant and uninclosed lots aforefaid, and to carry and deposit the same in such place or places as shall be least offensive and prejudicial to the faid inhabitants, and there to burn and deftroy the fame; and also to clean the said Savanna or Race-ground; and also to clean and cultivate any pieces or parcels of land belonging to the said parish, that the Justices and Vestry of the said parish shall from time to time direct to be cultivated, for the use of the negroes in the said workhouse; and also to repair and amend the streets and avenues of the faid town, and cover the fame with good marl, gravel, or other lasting and inoffensive materials; and to cut drains to carry off the water from the faid streets and lanes, and from the roads, avenues, and places adjacent to the said town, and so to keep the same cleansed, repaired, and amended, on pain of forfeiture of Forty Shillings for every neglect or refusal; the same to be recovered by warrant under the hand and seal of any Justice of the Peace for the said parish of Saint Catherine, on the oath of any one or more credible witness or witnesses; one moiety thereof to the informer, and the other moiety thereof to the support of the said workhouse.

XXIII. And whereas the health of the inhabitants of the said town hath been greatly endangered, by means of putrid falt-fish, and other provisions, rancid butter, oil, or other offensive commodities, having been from time to time exposed in, or at the doors of shops or houses in the said town, or kept therein: To remedy which inconvenience

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for the future, Be it further enacted by the authority aforesaid, That. from and after the passing of this act, no person or persons whomsoever shall expose to sale, in or at the doors or piazzas of any shop or Putrider ran- house in any of the streets or lanes of the said town, or in places adto forfeit 20%. jacent thereto, any putrid falt-fish, or other provisions, rancid butter, oil, or other offensive commodity whatsoever, or keep the same in any dwelling-house or out-office, to the annoyance of any of the inhabitants of the said town, under the penalty of Twenty Pounds for every fuch offence; one moiety whereof shall be for the support of the poor of the faid parish, and the other moiety to the informer; to be recovered in a fummary manner before two or more Justices of the Peace for the precinct of Saint Catherine, upon the oath of one or more credible witness or witnesses; any thing in this or any other act to the contrary in anywise notwithstanding.

Juftices to order fuch putrid provifions to be de-Areyed.

XXIV. And be it further enacted by the authority aforefaid, That, from and after the passing of this act, it shall and may be lawful to and for any one or more Justice or Justices of the Peace of the said precinct of Saint Catherine, on view of felling, or publicly exposing to fale, of any putrid provisions, rancid butter, oil, or any other offensive commodity whatsoever, in any of the streets or lanes of the faid town of Saint Jago de la Vega, forthwith to cause the same to be feized, and immediately destroyed or burnt; any thing in this, or any former act, to the contrary thereof in anywife notwithstanding.

XXV. And whereas the galloping of horses, or riding or driving them furiously, or driving waggons, wains, or carts, furiously through the streets and lanes of the said town, is attended with great danger to the several persons passing along the said streets and lanes: Be it therefore enacted by the authority aforesaid, That if any negro, mulatto, or Indian, or any person of colour, being a slave, shall, after the faid twentieth day of January, one thousand seven hundred and eighty-eight, be found galloping, or riding or driving furiously, any horie, mare, or gelding, or any mule or als, or any waggon, wain, cart, or other wheel-carriage, drawn by steers, oxen, or horses, through the streets or lanes of the said town, or who shall wilfully or carelessly turn any horse, mare, gelding, mule, or ass, loose in the streets or lanes of the faid town, to the danger of the inhabitants, the master or mistress shall forfeit the sum of Forty Shillings for every such offence, to be recovered by warrant under the hand and feal of any of the Justices of the Peace of the said precinct of Saint Catherine, who is hereby empowered and required, on the oath of one or more credible witness or witnesses, to summon the master or mistress of such servant or flave who shall offend in the premises, to shew cause (on a day to be appointed in such summons, not exceeding three days from the

Slaves found riding ordriving furioully through the ftreets any horfe,&c.how to be dealt with.

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time of the complaint made) why he or they should not pay the faid forty shillings; which summons shall be served one day before the day therein mentioned for shewing cause, by leaving a copy thereof with the faid mafter or mistress, or at their dwelling-house, fuch party so summoned then being in the said town; and in case the party summoned does not appear at the day, or if he does appear, and it shall be proved before such Justice, by the oath of one lawful witnefs, that such servant or slave had offended in the premises, such Justice shall forthwith (unless the said forty shillings for every offence be paid before him) issue his warrant for raising the same, by levying on, and distress and sale of, the goods and chattels of such person so liable to pay the same, together with the costs thereof; one moiety thereof to the informer, and the other moiety to the poor of the parish: Provided, That if the master or mistress, so summoned, thall deliver up any flave or flaves complained of, and charged with having offended in the premises, to the Justice before whom such complaint shall be made, to be publicly punished for such offence, by receiving thirty-nine lashes at the four most public streets of the faid town, or fix days hard labour in the workhouse of the said parish, at the option of the faid Justice; in such case, the master or mistress shall be excused from the said forfeiture of forty shillings: Provided, That no fummons shall be issued, unless the complaint be made in a week after the offence committed, in case the party liable to the forfeiture shall be then in town; otherwise, at any time after, within a Free people of week when the party liable shall be in the said town: But in case the colour guilty faid offence shall be committed by any free person of colour, the party driving furifo offending shall pay such fine as to the said Justice shall seem meet, only through the freets any not exceeding Five Pounds, or be committed to hard labour in the horse, &c. workhouse for one week.

XXVI. And be it further enacted by the authority aforefaid, That Penalties unall penalties inflicted by this act, and not herein before directed in der this act, what manner to be recovered or applied, shall be recovered and ap-covered and plied in the following manner: All forfeitures and penalties not ex- applied. ceeding ten pounds, shall be recovered by complaint to any one of his Majesty's Justices of the Peace for the precinct of Saint Catherine, who is hereby directed and empowered to compel the payment, by warrant of diffress, or otherwise, as to him shall seem best calculated to enforce an obedience to fuch judgment or sentence as he shall pass therein; if above ten pounds, by action of debt before the Judges of his Majesty's Supreme Court of Judicature, where no esfoign, protection, or wager of law, shall be allowed; one moiety thereof to the informer, or him, her, or them who shall sue or profecute for the same, and the other moiety thereof to his Majetty, his

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heirs and successors, for and towards the support of the government of this island.

Actions a. fon, for any thing done in brought within 6 months after the fact committed; may give this act in evidence, and plead the general iffue,

shall be nondant to recover triple coffs.

XXVII. And be it enacted by the authority aforesaid, That if any Actions as fuit or action shall be brought or prosecuted against any person or persons, for any thing done or to be done, in pursuance or under the purfuance of authority of this present act, every such action or suit shall be comthis act, to be menced within fix months after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general iffue, not guilty, and give this present act, and the and defendant special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or fuit shall be brought after the time before limited for bringing the same, that then, in such case or cases, the Jury shall find a If the plaintiff verdict for the defendant or defendants; or, if the plaintiff or plainsuited, defentiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have triple costs, and have the like remedy for the same as any defendant or defendants hath or have, for costs of suit in any other cases by law.

This act to be taken as a public act.

XXVIII. And be it further enacted by the authority aforefaid, That this act shall be taken and allowed in all courts of justice as a public act, and all Judges, Justices, and others, are hereby required to take notice thereof as fuch, without the same being specially pleaded.

Passed the sad An Act for amending and keeping in Repair the Road leading from Joseph Price's Gate, in the Parish of St. Ann, over Mount-Diablo, to Rio-Magno Gully, in the Parish of St. Thomas in the Vale; and for vesting in Trustees the Toll to be raised by a Turnpike on the said Road, for the Purposes aforesaid.

ACT 33. Preamble.

THEREAS the making and keeping in repair good and fufficient roads will contribute much to the fettling and cultivating this island, as well as to the ease, safety, and advantage of the inhabitants thereof, by facilitating an intercourse of commerce and communication in times of peace, and of aid and counsel in case of public danger: And whereas the road leading from Joseph Price's Gate, in the parish of St. Ann, over Mount-Diablo, to Rio-Magno Gully,

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Gully, in the parish of St. Thomas in the Vale, cannot, by the ordinary course provided by the laws of this island for repairing the highways, be effectually mended and kept in repair: To the intent that so necessary a road may be, with all convenient speed, amended and kept in good and sufficient repair, May it please your most Excellent Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Affembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, That the Hon. John Palmer, Sir Charles Price, Trukces ap-Birt. John Brownrigg, Alexander Fullerton, John Blagrove, Aaron pointed. Moffatt, William Grier, Charles Bernard jun. George Goodin Barett, James Irvine, Lewis Knight, John Scrogie, John Grant, James Rifby Whitehorne, Thomas Riley, and William Mitchell, Efgrs. shall be, and they are hereby nominated and appointed. Trustees for the furveying, altering, amending, and keeping in repair, the faid road leading from Joseph Price's Gate, in the parish of St. Ann, over Mount-Diablo, to Rio-Magno Gully, in the parish of St. Thomas in the Vale, and also for putting in execution all other the powers in and by this act given; and they and the furvivors of them, or any Truffees to three or more of them, or such person or persons as they or any turnpikes to three or more of them shall authorize or appoint, shall and may, be ereded. from and immediately after the patting of this act, erect, or cause to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or across any part or parts of the said road, and there shall receive and take the toll or duty following, before any horse or other beaft, or any coach, berlin, landau, chariot, chair, chaife, kittereen, wain, cart, or other carriages, shall pass through the same; viz. For What tolle every coach, berlin, landau, chariot, chair, or chaife, drawn by fix horses, mares, or mules, the fum of five shillings, and for every of the aforesaid carriages, drawn by four horses, mares, or mules only, the fum of three shillings and four pence; for every chair, chaise, or kittereen, drawn by two horses, mares, or mules, the sum of one shilling and eight pence, and for every one drawn only by one horse, mare, or mule, the fum of ten pence; and for every wain, waggon, cart, or carriage, for goods, provisions, or merchandize only, with four wheels, and drawn by three or more steers, horses, mares, mules, or affes, the sum of five shillings; for every two-wheeled cart, or other carriage of the like kind, or to the like use, and drawn by less than three steers, horses, mares, mules, or asses, the sum of one shilling and eight pence; for every drove of horses, mares, mules, alles, steers, oxen, or neat cattle, the sum of twelve shillings and fix pence per score, and so in proportion for a greater or lesser number; for every person journeying on horseback, ten pence; for every person

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The monies arifing from the tolls, to be velled in Trufices, &c.

Truffees may levy the tolls or duties on fuch perfons as neglect or refuse to

Sueh diftrefs to impound and keep, unty, or to fell and difpofe thereof.

Tolls and duand levied, to be by the Truftees ap

Penalty on perfons having the care, &c. of la ds fuffering any perfons to make use of bye paths, &c.

riding on a mare, mule, or als, ten pence: Provided always, That this act doth not extend to charge with the faid toll any person or persons, carriages, cattle, and things, that shall from time to time be employed in the actual service of the said Trustees, in altering, amending, and repairing the faid road, or collecting the tolls. And the faid respective sums of money shall be received and taken as and for a toll or duty; and the money thereby to be raifed is and shall hereafter be vested in the said Trustees, and be applied and disposed of for the altering, amending, and keeping in repair the faid road, in fuch fort, manner, and form as herein after is mentioned. And the faid Truffees, or any three or more of them, are hereby empowered and authorized, by themselves, or such person or persons as they, or any three or more of them, shall appoint, to levy the faid several tolls or retule to pay the fame, or duties upon any person or persons who shall, upon demand thereof made, neglect or refuie to pay the same, by distress of any horse or horses, cattle or carriages, or the goods thereon loaden, from which fuch toll is or ought to arife, or upon any other the goods and chattels of him or them who ought to pay the same, and such distress to impound, keep, or detain, until fuch toll or duty, with all costs and keep, un and charges reasonably incident to the same, be paid and satisfied; the toll or du- and further to fell and dispose of the same, in such fort, manner, and form as distresses for rent-arrears may be fold and disposed of, by the laws and statutes of Great-Britain.

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II. And be it further enacted by the authority aforefaid. That such ty to be rasked toll and duty, so to be raised and levied, shall be by the said Trustees applied to and for the altering, amending, and keeping in good and fufficient repair, the faid road, and the charges incident thereto, and pliedinmend likewise for building and repairing such bridges as may be thought

necessary, and to and for no other purpose whatsoever.

'nd b' it further enacted by the authority aforesaid, That if any person or persons, having or being in the care, management, or occupation of any lands adjoining or near to fuch road, thall willingly near the road, or wittingly fuffer any perion or perions to take or make use of any roads or ove-paths through such lands, thereby to prevent the payment of fuch toll or duty as aforefaid, and the person or persons so offending, as well the owner or occupier of fuch lands as the party making use of such artifice to avoid the payment of the toll or duty aforesaid, upon complaint in open sellion, or before two or more of his Majetty's Justices of the Peace for the parish or precinct where such offence shall be committed, and due proof thereof made by oath of one or more credible witness or witnesses, thall respectively forfeit to the faid Trustees six times the value of such toll or duty, or Forty Shillings, at the election of the laid I ruftees, or any

three or more of them, to be applied by them, or any three or more of them, to the uses in this act mentioned: And, further to prevent fuch frauds and abuses as aforesaid, that it shall and may be lawful to such abuses, and for the faid Trustees, or any three or more of them, to erect and Trustees to eplace one or more gate or gates, turnpike or turnpikes, on the fide or fides of the faid road, crois every lane, path, or way leading from the faid road, and there to demand, levy, or take such toll or duty, and to have fuch remedy for the same as aforesaid; so as the same do not amount to a double charge, or exacting for one and the same thing in

one and the same day.

ACT 33.

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IV. And be it further enacted by the authority oforefaid, That it TruRees to shall and may be lawful to and for such Trustees, or any three or appoint overmore of them, from time to time, as occasion shall require, by such veyors of the warrant or writing as aforefaid, to appoint one or more overfeer or de vers and overfeers, furveyor or surveyors of the faid roads, and one or more collectors of receiver or receivers, collector or collectors of the faid toll or duty, with fuch reasonable salary, hire, or reward as they shall think fit; and them or any of them so appointed to remove, and others in their place or stead to put: And that it shall and may be lawful to and for Trustees emthe faid overfeer or overfeers, furveyor or furveyors, or any of them, powered to their fervants and flaves, or any others by them commanded, ordered, materials for the road upon or appointed, to feek for, dig, carry away, and make use of, for uninclosed making or repairing the faid road, any stone, gravel, fand, or other ground. fuch like materials, in any common favanna, or other uncultivated ground not inclosed, next adjoining or most convenient to such roads: Provided always, That nothing in this act shall be construed to ex- Proviso. tend to empower the faid Trustees, or any person or persons acting under them, or by virtue of this act, either in the laying-out, mak- If any trespats ing, or repairing the faid road, to moleft, difturb, or trespass upon happensupon any person or persons whatsoever, or his or their dwelling-house, out any person, houses, or curtelage, works, negro-houses, cane-pieces, plantain- such lands to be valued by a walks, or other provision-grounds, or in any settlement, penn, po- Jury, and paid link, pasture, or other inclosed grounds whatsoever, except upon un-torout of the cultivated lands; in which case, one or more of the Trustees are hereby empowered to iffue a warrant to convene a jury of twelve free- trespais to be holders, to appraise and value the faid lands, the amount of which to heard and debe paid by the Trustees, out of the monies arising from the toll; but ther by Justithat upon complaint made by any person or persons to molested, in-cerinopenses jured, or trespassed upon, in open session, or before two or more of two or more his Majesty's Justices of the Peace for the parish or precinct where Justices, &c. the same shall happen, it shall and may be lawful for the said Justices in fession, or for such of the said Justices to whom such complaint shall be made, and they are hereby strictly enjoined and required to

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to do, fummarily to hear the parties so complaining, and such witnesses as they shall offer to produce upon oath, as likewise the said Trustees and the persons so appointed by them, and their witnesses, and, upon the whole, to make fuch order, either for the proceeding in the faid work or staying the same, as to them shall feem meet, fuch order, so made, to be binding on all parties until the faid matter can be heard and determined in the Supreme Court of Judicature of this island, either by action of trespass, to be brought by the party fo complaining, or by removal of the faid proceedings, either by Certiorari, at the instance of the said Trustees, or any of them,

as the case shall happen or require.

Collectors appointed by

the Truftees, anthorifed to receive the accoun able

V. And be it further enacted by the authority aforesaid, That the collector or collectors, receiver or receivers, fo to be appointed by the faid Trustees, or any three or more of them, shall and may demand, demand and take, and receive the faid toll and duty, and have all fuch remedies toll, and to be for the same as is herein before mentioned and expressed: And further, that the faid collector or collectors, receiver or receivers, be, and they the Tinfees, are hereby made, liable and accountable to the faid Trustees, either according to fuch particular contracts as shall be made and shall subfift between them, or in general for all fuch fums as they shall respectively receive, over and above such hire, wages, or salary, as is herein before mentioned and provided for.

Difputes zrifing between the collectors of the tell and concerning the toll-moto be decided.

VI. And be it further enacted by the authority aforesaid, That if it thall happen that any dispute shall arise between the said I rustees and the faid collectors and receivers, or any of them, or any of their dethe Truftees, puties, fervants, or fubilitutes, concerning the fums received or to be accounted for, or otherwise, or for or concerning any other thing ney, &c. how whatsoever, that the same shall be decided in such fort, manner, and form, and fuch order therein made, so to be obeyed and complied with, until the same shall be brought to a final determination in the Supreme Court of Judicature of this island, either by removal of such proceedings by Certiorari, or other proper action to be brought by the party aggrieved, in such manner and form as is herein before mentioned and provided.

VII. And whereas there are many owners and possessors of land joining to or upon the faid road, or near to the ends or limits of the same, who may be put to great expenses, were they subjected to pay the full toll or rates, not only on the necessary occasions of sending their cattle of different kinds to water or work, but also for the carriage of provisions from their grounds, or timber for the building and repairs of their works: Be it further enacted by the authority afore-Jaid, That the Trustees aforementioned, or any three or more of them, mear the toil, be empowered to agree with the faid owners or possessors of land, ad-

Owners of land h uated joining to or upon the faid road, or with the attornies or overfeers of 1787. fuch owners or possessors of the said lands, upon such terms as to them may appear reasonable, for yearly or half-yearly sums to be paid allowed to to the collector or collectors as aforefaid, towards keeping the faid their tollroads in repair, instead of the tolls or rates before specified and ex- annual fum. preffed.

VIII. And be it further enacted by the authority aforefaid, That This act to this act, and every part thereof, shall be and remain in force for the force 9 years.

term of nine years from the passing thereof.

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IX. And be it further enacted by the authority aforesaid, That this This act to be act shall be deemed and taken to be a public act, and shall be judici- taken as a public act. ally taken notice of as such by all Judges, Justices, and others, without specially pleading the same.

An Ast for the better Order and Government of the Negroes 1788. belonging to the several Negro-Towns, and for preventing Paffed the seth them from purchasing of Slaves; and for encouraging the said Negroes to go in Pursuit of Runaway Slaves; and for other Purposes therein mentioned.

THEREAS disorders frequently happen in the several Negro- Act 34. Towns, for want of authority in the chief or commanding Preamble. officers of the negroes to keep a proper command over the rest, and because the white men who reside among them are not vested with legal power to punish them; and it being necessary, for the retaining those negroes in their duty and obedience, that an exact discipline should be observed, that all disorders, tumults, and disturbances among them may be suppressed on their first appearance, and the authors and abettors of them be brought to speedy punishment: We, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of the said island, and it is bereby enacted and ordained by the authority of the same, That, from and after Maroon Nethe passing of this act, every negro resident in, or belonging to, any obeying the of the Negro-Towns, who shall disobey the Governor's orders, or orders of the the orders of the Commander in Chief for the time being, or excite in Chief, &c. others to do the same, or shall excite, cause, or join in any diforder, how punites tumult, or disturbance, tending to break the peace and good order

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of the faid towns, or any of them, shall suffer such punishment as shall be inflicted by the Superintendent, or white man, residing in the faid town to which the offender belongs, and four of the negroes of the faid town, of which the chief or commanding officer shall be one, not extending to life or limb.

The Govermander in comm finns to the white Negro-Towns, for the trial of diforderly negroes.

II. And be it further enacted by the authority aforefaid, That the nor or Com- Governor or Commander in Chief for the time being may, by virtue Chieftogrant of this act, have full power and authority to grant commissions to the white men and negroes, refiding in or belonging to each of the men and ne- Negro-Towns, for trying and punishing such offenders as aforesaid: Provided always, and is is hereby enacted by the authority aforefaid, That it shall and may be lawful, upon complaint made to any Justice of the Peace, of any felony or other crimes committed by any negro or negroes refident in, or belonging to, the faid Negro-Towns. for such Justice to iffue out his warrant for apprehending such offen. der or offenders, and for all persons to come before him that can give evidence; and if, upon examination, it appears probable that the negro or negroes apprehended is or are guilty, such Justice shall commit him, her, or them to prison, and certify to the next Justice the cause, and require him, by virtue of this act, to affociate himfelf to him; which such Justice is hereby required to do; and they, fo affociated, shall issue out their warrant, to summon a sufficient number of freeholders, not less than nine, so that five of such freeholders shall be chosen by ballot, setting forth to them the matter, and requiring them, at a certain day and place, to be expressed in fuch warrant, and between the hours of eight and twelve in the forenoon, personally to be and appear before the said Justices; at which time and place the faid Justices, and five of the faid freeholders, shall cause the faid negro or negroes, so charged with any fuch felony or other crimes, and the evidence or evidences, to come before them; and the said freeholders shall, by the said Justices, be fworn to judge uprightly, and according to evidence, on the matter then before them; and if the faid Justices and freeholders, or the major part of such Court and Jury, (one of whom to be a Justice), shall judge the criminal or criminals guilty of the offence complained of, they shall give sentence of death, transportation, or such other punishment as the said Court shall determine, according to the natur of the offence; and shall cause such sentence to be carried into execution, at such time and place as they shall think proper; women with child only excepted, whose execution shall be respited till aster delivery: Provided always, That in all cases where sentence of death shall be passed (excepting for murder, or rebellious conspiracy), execution shall be respited until the pleasure of the Commander

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ACT 34.

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in Chief shall be fignified thereon: Provided also, That nothing in this act contained shall prevent the Justices, upon any such trial, from respiting the execution of any sentence, until the pleasure of the Commander in Chief shall in like manner be signified, in case proper cause shall appear to them for so doing: Provided also, That if any of the negroes belonging to the Negro-Towns in this island. shall be tried by two Justices and five freeholders, or by the white men and negroes commissioned as aforesaid, and shall be acquitted of any of the crimes or offences as aforesaid, such acquittal or conviction shall be a full bar to any other proceedings for the same offence.

III. And whereas several of the negroes belonging to the Negro-Towns have frequently left their feveral towns, and continued abfent from them a confiderable time, without the leave of their commanding officer; or, having had such leave, have not returned by the time prescribed to them, but have rambled about the several parishes of this island, and been harboured and concealed in divers places, whereby they have had opportunities of going among the flaves of the neighbouring plantations, creating factions and disputes among some, and persuading and enticing others to run away from their owners, contrary to the articles upon which they surrendered; which practices, if not timely prevented, will not only lessen the authority of those who now are appointed, and such others as the Governor or Commander in Chief of this island shall hereafter appoint, to command them, but may be attended with other ill consequences: For prevention of which, Be it enacted and declared by the authority aforefaid, That, from and after the passing of this act, every negro be- Maroon nelonging to any of the Negro-Towns aforesaid, who shall absent him ing themor herself from the town to which he or she belongs, without leave selves alonger time than alof the commanding officer thereof, fignified in writing, under the lowed them hand of the Superintendent, or the white man refiding among them; from their towns, to lofe or who, having had leave, shall continue absent therefrom for the their freespace of seven days after the expiration of such leave; upon complaint made to any magistrate of the parish where he or she shall happen to be at that time, shall be committed to the Marshal of the parish or precinct where he or she shall be taken, and shall be fent by him to the county gaol, in order to be brought to trial for such oftence, before two Justices and five freeholders, in the manner herein before directed; and, upon conviction of the crime, as aforefaid, the Justices and freeholders, or the major part of them (one of whom to be a Justice of the Peace), are hereby empowered to inflict such punishment as they shall think proper, not extending to life or limb; and in case the said two Justices and five freeholders, or the major

part of them, shall think proper to deprive any offender, convicted under this act, of his or her freedom, they shall then order him or her to be transported off this island by the Receiver-General for the time being, and fold; and the money arising from such transportation and fale to be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof.

Marcons convieled of enticing flaves to run away from their owners, to forfeit their freedom, and

IV. And be it further enacted by the authority aforefaid, That every negro, belonging to any of the Negro-Towns in this island, who shall entice, or endeavour to entice or persuade, any slave or slaves to run away from their several and respective owners, and be thereof convicted in manner and form as aforesaid, shall forfeit his or her free. be transport. dom, and be transported off this island as aforesaid, and sold; and the money arising from such transportation and sale shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; any law, custom, or usage to the contrary notwithstanding.

to purchase flaves, under feiting them. Persons felling flaves to Mareons, or to any other for any Maroon, to for-

feit 100%. Perfons buying flaves in truft for Ma-

feit 100%.

V. And whereas some of the negroes formerly in rebellion have purchased slaves, and it is apprehended that more slaves may be bought by them, which may be of ill consequence to this island, if not pre-Marcons not vented; Be it therefore enacted by the authority aforefaid, That no negro, belonging to any of the Negro-Towns in this island, shall purpenalty of for- chase or buy any slave or slaves whatsoever, under the penalty of forfeiting such slave or slaves to his Majesty; and if any merchant, factor, or other person whatsoever, shall knowingly sell, or give any flave or flaves to any negro belonging to either of the Negro-Towns in person intrust this island, or to any other person in trust for, or to the use of the aforesaid negroes, every such merchant, factor, or other person, shall, for every negro so sold or given, forfeit the sum of One Hundred Pounds; and every person who shall purchase, or be concerned in the purchase of any slave or slaves, in trust for any of the said negroes rooms, to for belonging to the said Negro-Towns, shall forfeit the like sum of One Hundred Pounds; which faid penalties, and each of them, shall be recovered in the Supreme Court of Judicature of this island, by action of debt, bill, plaint, or information, wherein no effoign, pro tection, wager of law, or injunction, shall be granted or allowed, Non vult ulterius prosequi be entered; and one moiety thereof shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them who shall sue for the same; any law, custom, or plage to the contrary notwithstanding.

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VI. And be it further enacted by the authority aforesaid, That the Superintendent of each and every of the Negro-Towns in this island, Maroon par-or the white man residing there, shall, as often as he sends out any ties to receive party on duty, give his orders in writing to the commanding officer orders in wriof such party, specifying at whose request such party is ordered out, Superintendthe names of the officers and men composing such party, and the ent, &c. specifying at whose time when such party is to return; and that, on the return of such request they party, the Superintendent or white man residing in the town from are fitted out, whence fuch party was fent out shall, and he is hereby obliged to, make oath on the back of such order or orders, that the service on which fuch party or parties were fent out was duly performed, or as the circumstances of the case may happen to be; which oath any magistrate is hereby authorised and empowered to administer: Pro- No party to vided always, That no Superintendent or white man, residing in any be ordered to of the Negro-Towns, shall order any party to remain out, at any remain out time, exceeding twenty days.

VII. And, as an encouragement for such party to do their duty, Be it enacted by the authority aforefaid, That a reward, not exceeding Rewards alforty shillings, besides mile-money, shall be paid for every runaway lowed Manegro, or other flave taken by them, and a reward, not exceeding prehending twenty shillings, for every runaway taken by a Maroon or Maroons, flaves. when not on party; which rewards shall be adjudged by any magistrate.

VIII. And whereas it often happens, that maroon negroes are hired or employed by white people, and find difficulty in recovering their just demands; Be it enacted by the authority aforefaid, That all such Demands for debts due to, or from, maroon negroes, shall be determined by two hire, how remagistrates, in as summary a manner as is directed by the 111th act Maroons. of this island, to decide all differences between masters and servants.

IX. And whereas it is proper and necessary that maroon negroes should be protected in their persons against the violence of evil-disposed white persons, and free persons of colour; Be it therefore enacted, That, from and after the passing of this act, any person or Persons beatpersons whatsoever that shall wantonly or cruelly whip, beat, bruise, ing Marcons, how punish. or wound any maroon negro or maroon negroes, shall be subject to able. be indicted for the same, at the Court of Quarter-Sessions of the panth or precinct where the offence happens; and, upon being thereof legally convicted, he, she, or they shall suffer such punishment, by and or imprisonment, as such Court shall think proper to inflict; any law, custom, or usage to the contrary notwithstanding.

X. And be it further enacted by the authority aforefuld, That the Superintend-Superintendent of each and every of the Negro-Towns thall, once in entsonce eveevery three months, during the continuance of this act, make a re- to make a re-

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turn to the Commander in Chief, of the number of maroon nerespective tewas.

turn, on oath, to the Governor or Commander in Chief for the time being, of the number of negroes residing in each of their respective towns, setting forth particularly the number of men capable of bear. ing arms, as also those unfit for duty; the number of women and children; the condition of the house in which superintendent regroes in their sides, together with the condition of the roads leading from the Negro-Towns to the settlements.

Maroon negroes, once repair the reads leading to their re-Spective towns.

XI. And whereas the roads leading to many of the Negro-Towns are great part of the year very bad, and sometimes almost impassable; Be it enacted by the authority aforefaid, That the negroes belonging every year, to to each of the Negro-Towns shall, once every year, repair the roads leading to their respective towns and settlements, when they shall be so ordered by their Superintendent; and, as an encouragement to the faid negroes to amend and keep the faid roads in repair, the Receiver-General for the time being, or the Commissaries appointed, or to be appointed, for the faid towns, shall pay to each negro man belonging to the faid towns, who shall be employed in making and repairing the roads leading to the faid towns, one ryal per day; oath being first made by the Superintendent, or white man residing in the towns, of the number of negroes actually employed, and the time they worked on the faid roads: Provided always, That fuch pay do not exceed the fum of Ten Pounds to each Negro-Town in each year.

XII. And whereas the sending out parties of negroes, belonging to the several Negro-Towns, to scour the woods, and take up runaway flaves, will be of great ease and advantage to the planters and white inhabitants of the island; Be it enacted by the authority afore-Thablishment faid, That, as an encouragement to the said parties to be diligent in of pay to the the faid fervice, there shall be paid by the Receiver-General for the time being, or by the Commissaries appointed, or to be appointed, for the faid towns, to the officer among the negroes in each party, in the rank of a Captain, two shillings and fixpence per day; to a Lieutenant, one shilling and three pence per day; and to every common man, one ryal per day, when on actual duty, and no longer; and that each party ordered out shall be supplied with a proportionable quantity of provisions and ammunition, requisite for the service they shall be sent on, to be approved of by the Commissary; and that no party shall consist of more than six men, including officers, except on

This act to be read to the Maroons eve-

officers and

men of each

party while

on actual

duty.

XIII. And be it further enacted by the authority aforesaid, That this act be read and explained, once every three months, by the white ry 3 months. man residing in each of the Negro-Towns, to the negroes therein.

XIV. And be it further enacted by the authority aforefaid, That Continuance this act, and every clause, matter, and thing therein contained, shall of this act. continus

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1. hat continue and be in force, from the passing thereof, for and during 1788. the term of feven years, and no longer.

An Act for the more effectual Prevention of Smuggling, and Paffedthe 10th for the better collecting certain Duties and Imposts granted by the Laws of this Island, towards the Support of the Government thereof.

THEREAS the laws now in force for preventing the clandef- Act 35. tine importation of foreign produce, goods, and manufac- Preamble. tures, into this island, are in many cases desective and insufficient: And whereas it has been found difficult, and, in some cases, imposfible, for the Receiver-General, or his deputies, to collect the duties and imposts established by an act, entitled, " An Act for granting " a Revenue to his Majesty, his Heirs and Successors, for the Support " of the Government of this Island, and for reviving and perpetua-" ting the Acts and Laws thereof," which passed in the year one thousand seven hundred and twenty-eight, and such other duties and imposts as have fince been established; May it please your most excellent Majesty that it may be enacted and ordained by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica: And it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, the Collector and Collector, &c. Comptroller at the several ports of this island shall, on the entry of to make out every ship or vessel, make out, as far as the same can be ascertained the quantity from the manifest, cockets, and other documents produced to them of all wines, &c. by the master or supercargo of such ship or other vessel, a certificate imported, on or account of the quantity in tons of all Spanish and Madeira wines; are payable; the quantity in tons of all French, Rhenish, or Portugal wines; the and to fign such certifiquantity in gallons of all brandy, arrack, or other spirits; the quan-cates, and tity in tons of all beer, ale, cyder, or perry, whether in casks or transmit them to the Naval bottles; the quantity in tons of all mum or metheglin imported in Officer, who such ship or vessel; together also with separate and distinct accounts is to compare them with the of all refined sugar, tobacco, ginger, and all goods whatsoever im-cockets and ported in such ship or vessel, on which duties are payable by the and, if found laws of this island, distinguishing the quantity of each: And the said right, to fign Collector and Comptroller are hereby required to fign such certificate, transmit the and transmit the same, together with the said cockets, to the Naval same, with the Officer, or his lawful deputy, who is hereby required carefully to the Receiverexamine and compare such certificate by and with the said cockets, is to make out

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account of all the duties. &c. Receiver-Gefuch certifiwho, on reufual permit for landing the goods.

and also with the manifest required by law to be lodged in his office by fuch mafter or supercargo; and, on finding the statement or account therein contained to be right, the Naval Officer, or his deputy, shall also fign the said certificate, and shall then transmit the same, togeneral to fign ther with the faid cockets, to the Receiver-General, or his lawful deputy, who shall make out therefrom, and from the manifest, also tuin the same required by law to be lodged in his office, an account of all the duwith the coc- ties and imposts established by the laws of this island on the several Collector, &c. goods and commodities aforefaid; and the faid Receiver-General, or ceipt thereof, his lawful deputy, shall thereupon, in like manner, fign the said ceris to file it in tificate, and return the same, together with the said cockets, to the then grant the faid Collector and Comptroller; who, on receiving them back, shall file the faid certificate in the Collector's office; and then, and not before. shall grant the usual permit or permits for the landing the goods.

certained by adual gauge.

be landed, unare paid,

malty of forfeiture.

Fees allowed paid.

II. And whereas it frequently happens, that the cockets for wine, and other liquors, specify only the number of casks or packages, without expressing the contents of such casks or packages; Be it enacted by the authority aforesaid, That in all such cases, and until the oasks, until as contents can be ascertained by actual gauge, each butt, pipe, hogshead, and quarter-cask, shall be estimated as follows: That is to say, each butt, one hundred and forty gallons; each pipe, one hundred and twenty-fix gallons, or half a ton; each hogshead, fixty-three gallons; and each quarter-cask, thirty-one gallons; and the duties Goods not to be charged thereon accordingly; and on all fuch liquor as shall be til the duties imported in bottles, the duties shall be calculated at the rate of three gallons for each dozen bottles: Provided nevertheless, and it is bereby under the pe- enacted and ordained, That no part of the faid goods shall be landed, until the duties and imposts granted thereon by the laws of this island, and ascertained as aforesaid, are fully paid into the hands of the Receiver-General, or his lawful deputy, or bond given for the fame, as herein after mentioned, under the penalty of the forfeiture thereof, together with the boats, wherries, or canoes in which the the Collector, same are landed; and the said Receiver-General and Naval Officer, &c. on duties and their lawful deputies, or either of them, are hereby authorised and empowered to make seizure thereof.

III. And be it further enacted by the authority aforesaid, That on all fuch certificates, on which duties shall actually be paid, the faid Collector, Comptroller, and Naval Officer, or his lawful deputy, shall be entitled to receive from the said Receiver-General, or his lawful deputy, the following fees: That is to fay, the Collector the fum of ten shillings, the Comptroller the sum of five shillings, and the Naval Officer the fum of five shillings, and no more; which fees the faid Receiver-General is hereby empowered and directed to pay and allow, and to charge the fame to the account of the faid duties.

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IV. And, for the further securing the payment of the said duties and imposts, Be it further enacted by the authority aforesaid, That the Further secumafter or supercargo of each ship or vessel, having goods and com-rity for paymodities on board liable to the fame, shall, under the penalty of Two ment of the duties. Hundred Pounds, within forty-eight hours after his arrival, and before he breaks bulk, enter at the office of the faid Receiver-General, or his lawful deputy, and pay down the faid duties and imposts, afcertained as aforesaid, into the hands of the said Receiver-General, or his lawful deputy; or, in default thereof, shall deliver up to the faid Receiver-General, or his lawful deputy, the original register of fuch ship or vessel, taking a receipt for the same, which the said Receiver-General, or his deputy, is hereby directed to give; and the Receiver-Gefaid Receiver-General, or his lawful deputy, is hereby authorised to rised to detain detain such register, until all such duties and imposts are fully paid the ship's reand discharged: Provided nevertheless, That the deduction of ten all the duties, per centum for leakage and prompt payment, as allowed by the afore- &c. are paid. said act of this island, entitled, " An Act for granting a Revenue to " his Majesty, his Heirs and Successors, for the Support of the Go-" vernment of this Island, and for reviving and perpetuating the Acts " and Laws thereof," shall be allowed and continued as formerly, and on all other duties collected by virtue of the powers given by this act.

V. And whereas difficulties have arisen, and may arise, upon information being given of goods illicitly imported being concealed, lodged, or secured in houses, storehouses, and other places locked up, for want of proper and sufficient authority to enter such houses, stores, or locked-up places; Be it therefore enacted by the authority aforefaid, That, in all cases where information is given, on the oaths Magistrates, of the Collector, Comptroller, or other officer of his Majesty's Cus- cation, to toms, or on the oaths of the Naval Officer, Receiver-General, or grant wareither of their lawful deputies, of such goods being concealed, breaking open lodged, or secured, or suspected so to be, in any house, store, or other places where place whatfoever, and that the party or parties having the care or to feixure custody thereof cannot immediately be found, or, on being so found, may be condoth refuse to open and permit the same to be searched, by any persons authorised to make seizures demanding the same, it shall and may be lawful for any Judge of the Supreme Court, or any two magittrates, on application being made to him or them, and he and they are hereby authorised and required, under the penalty of Two Hundred Pounds, immediately on fuch application being made, to grant a writ or writs of affiftance, for the entering and fearthing such sufpected place or places; which faid writ or writs of affistance shall be directed to the Provost-Marshal-General of this island, or any of his lawful deputies, or to any constable or constables of the said parish;

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who are hereby required forthwith to execute the same, by aiding the officer applying for such writ or writs, in the seizing such goods. Contables, under the penalty of Two Hundred Pounds for every refuial or neglect.

VI. And whereas a practice hath prevailed among the masters and supercargoes of ships and other vessels, of entering for exportation Madeira and other wines, and afterwards privately landing and felling the same for consumption, without paying the duties and imposts established thereon by the laws of this island: For remedy whereof, It is hereby enacted by the authority aforefaid, That no fuch to be landed, wines shall be landed, on any pretence whatsoever, out of any ship or vessel, unless payment be first made, as aforesaid, of such duties or bond given and imposts, or bond given for the same; the payment of which and, the regif. bond shall be made before the clearing outwards of the said ship or terof the ship, vessel, and the register of such ship or vessel shall remain as a secuthe same were rity for such payment: Provided nevertheless, That if the importer shall afterwards prove, to the satisfaction of the Receiver-General. or his lawful deputy, the due payment of fuch duties and imposts. the same shall be drawn back, and repaid on the exportation of the faid wines.

VII. And whereas by an act of the Parliament of Great-Britain. which passed the twenty-sixth year of his present Majesty's reign, " For regulating the Production of Manifests," masters of ships and other vessels, clearing out for Great-Britain from any of the British dominions, and having wine on board, are obliged to deliver a manifest thereof, in writing, to the Collector, or chief officer of the customs, as by the faid act (reference being thereunto had) will more Vesselshaving fully appear; Be it enacted by the authority aforesaid, That the Rewine, &c. on ceiver-General of this island, or any of his lawful deputies, shall not prefume, under the penalty of Two Hundred Pounds, to clear out any ship, or other vessel, from any of the ports of this island, havproduce a du- ing wine on board, until the master, commander, or supercargo, shall have produced and delivered to the faid Receiver-General, or his lawful deputy, a duplicate of fuch manifest, which the Collector and Comptroller of the port are hereby required to attest, and the same shall be filed in the office of the said Receiver-General.

Goods feized as forfeited, in value 100/. to be procondemnamary manner.

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be cleared

VIII. And be it further enacted by the authority aforesaid, That where any goods shall be seized by the Receiver-General, or his lawnot exceeding ful deputy, as forfeited, by or in pursuance of this act, or by the Naval Officer, or his lawful deputy, or any of the officers of the cultoms of this island, or either of them, under any act or acts of this tion in a fum- island, or of the parliament of Great-Britain, and it shall happen that the value of the goods so seized doth not exceed, at any one time, the fum of one hundred pounds, all fuch seizures shall and may, in a fummary d

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a fummary way, be proceeded upon, examined into, heard, adjudged, and determined, by and before any one of the Judges of the Supreme Court, or before two or more of his Majesty's Justices of the Peace refiding near to the place, or in the parish, where such seizure or seizures shall be made; which said Justices of the Peace shall be, and are hereby, authorised and empowered to cause the respective person or persons in whose custody such goods, so seized as aforesaid, were found at the time of the seizure thereof, to be summoned to appear before them, at a certain time and place to be fixed by the faid Judge or Justices, who are hereby fully authorised, empowered, and required, upon the appearance or default of such person or persons so fummoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such goods fo feized (except as before excepted), as, upon due examination, shall be found to be forfeited by virtue of this act, or of any other act or acts of this island, or of the Parliament of Great-Britain, together with the casks, and other vessels whatsoever, containing the same, and to iffue out their warrants for the sale of such Justices to ifgoods as shall be so by them condemned, and of the casks, and other rants for the vessels whatsoever, containing the same; and such their judgments sale of such shall be, and are hereby declared to be, taken and adjudged to be goods; and good, valid, and effectual in law, and final, to all intents and pur- their fentence to be final. poses whatsoever, and not liable to any appeal, or to be removed by any writ or writs of Certiorari; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

IX. And be it enacted by the authority aforesaid, That, from and Seizures of after the passing of this act, all seizures of vessels or boats of the vessels, &c. burthen of fifteen tons, or under, which shall be made by virtue of and eargo of this or any other act of this island, or of the Parliament of Great-valuethangel. Britain, where the faid vessels or boats alone shall be the objects of to be proceedfeizure, or where the cargo or goods on board thereof, in cafe the manner. same shall be also seized, shall not exceed in value the sum of fifty pounds, shall and may be likewise examined into, heard, adjudged, and determined in manner aforesaid.

X. And, for preventing the great charges that the Receiver-General may be put to in the profecuting goods seized under this act, exceeding the value of one hundred pounds, by groundless and vexatious claims, Be it enacted by the authority aforesaid, That every Persons person, upon entry of any claim in the Court in which such goods feited goods, are profecuted, shall be obliged to give security, in the penalty of to give seenone hundred pounds, to answer and pay the costs occasioned by such rity to pay
costs. claim; and, in default of giving fuch fecurity within the time limited by the course of that Court for entering claims, condemnation of fuch goods shall be pronounced.

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XI. And whereas it may happen, from leakage and other causes, that butts, pipes, hogsheads, and quarter-casks, of Madeira and other wines, may be found to contain, on actual gauge, a less number of gallons than by this act is prescribed, and for which the duties are directed to be paid before landing: Be it enacted by the au. thority aforesaid, That, in such cases, the duties charged and taken thereon shall be finally settled and adjusted by the Receiver-General, or his lawful deputy, according to the actual contents of such casks, or as the same shall be ascertained and charged by the Collector of the customs for the port where such wines are entered.

Duties on wines to be paid for hy actual gauge.

of January.

Passedthe 10th An Act for amending and keeping in Repair the Road leading from St. Jago de la Vega, in the Parish of St. Catherine, to the Junction of the Mayday-Hill Road, at the Fig-Tree in Olyphant's Lane, in the Parish of Clarendon; and for vesting in Trustees the Toll to be raised by a Turnpike on the said Road, for the Purposes aforesaid.

ACT 36. Preamble.

HEREAS the making and keeping in repair good and fufficient roads will contribute much to the fettling and cultivating this island, as well as to the ease, safety, and advantage of the inhabitants thereof, by facilitating an intercourse of commerce and communication in times of peace, and of aid and counsel in case of public danger: And whereas the road leading from the town of Saint Jago de la Vega, in the parish of Saint Catherine, to the west end of Saint Jago Plantation, in the parish of Clarendon, cannot, by the ordinary course provided by the laws of this island for repairing the highways, be effectually mended and kept in repair: To the intent that so necessary a road may be, with all convenient speed, amended and kept in good and sufficient repair, May it please your most excellent Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, That the Honourable Thomas Iredell, Esquire, the Honourable Rose Hering May, Esquire, the Honourable William Patrick Browne, Esquire, the Honourable Thomas Wallen, Esquire, the Honourable James Wildman, Esquire; William Mitchell, John Rodon, and Philip Redwood, Esquires, Members for the parish of Saint Catherine, and the Members of the said parish for the time being; Thomas Brooks, and Joseph Woodhouse, Esquires, Members

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for the parish of Saint John, and the Members of the said parish for the time being; William Jackion, and John Grant, Efquires, Members for the parish of Saint Dorothy, and the Members of the said parish for the time being; Thomas Goldwin, and William Thompfon, Equires, Members for the parish of Clarendon, and the Members of the faid parish for the time being; Archibald Sympson, and Richard Batty, Equires, Members for the parish of Vere, and the Members of the faid parish for the time being; George Murray, and John Vanheelen, Fiquires, Members for the parish of Saint Elizabeth, and the Members of the faid parish for the time being; William Blake, and John Lewis, Esquires, Members for the parish of Westmoreland, and the Members of the said parish for the time being; the Honourable Samuel Williams Haughton, and George Scott, Esquires, Members for the parish of Hanover, and the Members of the faid parish for the time being; Sir Charles Price, Baronet; Wheeler Fearon, James Chisholme, James Pinnock, Thomas Chambers, James Mitchell, Samuel Whitehorne, Alexander Macleod, Philip Pinnock, Adam Smith, Thomas Gardner, Thomas Wynter, Robert-Hibbert, John M'Lean, Charles Grant, Jeremiah Barton, Alexander M'Crae, Theodore Foulks, Peeke Fuller, and George Clarke, Eiguires, shall be, and they are hereby nominated and appointed, Trustees for the surveying, ordering, amending, and keeping in repair the said road leading from the town of Saint Jago de la Vega, in the parish of Saint Catherine, to the junction of the Mayday-Hill road, at the fig-tree in Olyphant's Lane, in the parish of Clarendon, and also for putting in execution all other the powers in and by this act given; and they, and the survivors of them, or any Trustees to five or more of them, or fuch person or persons as they or any five order and keep in repair or more of them shall authorise or appoint, shall and may, from and the road from immediately after the passing of this act, erect, or cause to be erected, St. Jago de la one or more gate or gates, turnpike or turnpikes, in, upon, or across junction of any part or parts of the faid road, and there shall receive and take the toll Hill road, and or duty following, before any horse or other beast, or any coach, berlin, to erect a landau, chariot, chair, chaife, kittereen, wain, cart, or other carriages toll-gates. shall pass through the same; viz. For every coach, berlin, landau, cha- The tells. riet, chair, or chaife, drawn by fix horses or mules, the sum of five shillings; for every of the aforesaid carriages, drawn by four horses or mules only, the sum of three shillings and four pence; for every chaife, chair, or kittereen, drawn by two horses or mules, the sum of one shilling and eight pence; and for every one drawn only by one horse or mule, the sum of ten pence; and for every wain, waggon, cart, or carriage for goods, provisions, or merchandile only, with four wheels, and crawn by three or more steers, horses, mules, or asses,

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the fum of five shillings; for every two-wheeled cart, or other car. riage of the like kind, or to the like use, and drawn by less than three steers, horses, or mules, the sum of one shilling and eight pence; for every drove of horses, mares, colts, mules, steers, oxen, or neat cattle, the fum of twelve shillings and fix pence per score, and so in proportion for a greater or lesser number; for every drove of calves, sheep, hogs, goats, lambs, or kids, the sum of five shillings per score, and so in proportion for a greater or lesser number; for every person journeying on horseback, ten pence; for every per-

tees not to be

Monies arif-

fon riding on a mare, mule, or als, ten pence: Provided always, Carriages em- That this act doth not extend to charge with the faid toll any perployed in the fon or persons, carriages, cattle, and things, that shall from time to of the Trust time be employed in the actual service of the said Trustees, in the charged with amending and repairing the faid road, or collecting the faid tolls; and the faid respective sums of money shall be received and taken as and for a toll or duty; and the money thereby to be raised is, and ing by the toll, shall hereafter be, vested in the said Trustees, and be applied and disin keepingthe posed of for the amending and keeping in repair the said road, in road in repair. fuch fort, manner, and form as herein after is mentioned; and the Truftees em- faid Truftees, or any five or more of them, are hereby empowered powered to laid I tuitees, of any more levy the toll and authorifed, by themselves or such person or persons as they or upon persons any five or more of them shall appoint, to levy the said tolls or dupay the fame, ties upon any person or persons who shall, upon demand thereof made, neglect or refuse to pay the same, by distress of any horse or horses, cattle or carriages, or the goods thereon loaden, from which fuch toll is or ought to arise, or upon any other the goods and chattels of him or them who ought to pay the same; and such distress to impound, keep, or detain, until fuch toll or duty, with all costs and charges reasonably incident to the same, be paid and satisfied; and further, to fell and dispose of the same in such fort, manner, and form, as diffresses for rent-arrears may be sold and disposed of by the laws and statutes of Great-Britain.

The toils fo levied, to be applied in mending the read.

II. And be it further enacted by the authority aforesaid, That such toll and duty so to be raised and levied, shall be by the said Trustees applied to and for the amending and keeping in good and fufficient repair the said road, and the charges incident thereto, and likewist for building and repairing such bridges as may be thought necessary, and to and for no other purpose whatsoever.

Truffees to erca a tollgate at Green-Pond.

III. And be it further enacted by the authority aforesaid, That the Commissioners named and appointed by this act, or any five of them, are hereby empowered and authorised to cause a toll-gate to be erected and placed at the place called Green-Pond, and the like fums to be there received and collected as a toll, as are now taken and received

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ACT 36.

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at the Bridge toll; which fums, so collected and received, are to be applied to the purpose of building a new bridge, or repairing the old bridge, and keeping in repair that part of the road called Olyphant's Lane that is from the fig-tree at the place where the Mayday-Hill road falls into Olyphant's Lane, and so continued on through Saint Jago lavanna.

IV. And be it further enacted by the authority aforefaid, That if Persons ownany person or persons having, or being in the care, management, or joining the occupation of, any lands adjoining or near to such road, shall wil- road, willinglingly or wittingly fuffer any person or persons to take or make use of any person to any roads or bye-paths through fuch lands, thereby to prevent the clude paypayment of such toll or duty, as aforesaid; and the person or persons toll, and the to offending, as well the owner or occupier of fuch lands, as the persons so party making use of such artifice to avoid the payment of the toll or same, how duty, as aforesaid, upon complaint in open session, or before two or punishable. more of his Majesty's Justices of the Peace for the parish or precinct where such offence shall be committed, and due proof thereof made by oath of one or more credible witness or witnesses, shall respectively forfeit to the faid Trustees six times the value of such toll or duty, or Forty Shillings, at the election of the faid Trustees, or any five or more of them; to be applied by them, or any five or more of them, to the uses in this act mentioned: And further, to prevent such frauds and abuses as aforesaid, that it shall and may be lawful to and for the faid Trustees, or any five or more of them, to erect and place one or more gate or gates, turnpike or turnpikes, on the fide or fides of the said road, cross any lane, path, or way leading from the said road, and there to demand, levy, or take such toll or duty, and to have such remedy for the same as aforesaid, so as the same do not amount to a double charge, or exacting for one and the fame thing in one and the same day, at the same gate.

V. And be it further enacted by the authority aforesaid, That it Traffecs to shall and may be lawful to and for such Trustees, or any five or appoint overmore of them, from time to time, as occasion shall require, by such road, and corwarrant or writing as aforesaid, to appoint one or more overseer or letters of the overseers, surveyor or surveyors of the said roads, and one or more remove them, receiver or receivers, collector or collectors of the said toll or duty, fit, and apwith such reasonable salary, hire, or reward, as they shall think fit; point others. and them, or any of them, so appointed, to remove, and others in their place or stead to put: And that it shall and may be lawful to Persons auand for the faid overfeer or overfeers, furveyor or furveyors, or any therifed to of them, their fervants and flaves, or any others by them commanded, for the road, ordered, or appointed, to feek for, dig, carry away, and make use from any comof, for making or repairing the faid road, any stone, gravel, fand,

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Provifo. the road, the Truffees are not to pals through cultiwated lands; bu' in that enfe, a jary is to be fummoned, to va Ine fuch lands, and the amount to be paid out of the toll.

Owners of fuch la d complaining of the Truftees, how the fame is to be conducted and decided.

or other fuch-like materials, in any common favanna, or other uncultivated ground not inclosed, next adjoining of most convenient to fuch roads: Provided always, That nothing in this act shall be con-In laying cut strued to extend to empower the said Trustees, or any person or perfons acting under them, or by virtue of this act, either in the laying out, making, or repairing the faid road, to moleft, diffurb, or trefpais upon any person or persons whatsoever, or his or their dwellinghouse, out-houses, or curtelage, works, negro-houses, cane-pieces, plantain-walks, or other provision-grounds, or in any fettlement, pen, polink, pasture, or other inclosed grounds whatsoever, except upon uncultivated lands; in which case one or more of the Trustees are hereby empowered to iffue a warrant to convene a jury of twelve freeholders, to appraise and value the said land, the amount of which to be paid by the Trustees out of the monies arising from the toll; but that upon complaint made by any person or persons so molested, injured, or trespassed upon, in open sessions, or before two or more of his Majesty's Justices of the Peace for the parish or precinct where the fame shall happen, it shall and may be lawful for the said Justices in sessions, or for such of the said Justices to whom such complaint shall be made, and they are hereby strictly enjoined and required to to do, fummarily to hear the parties so complaining, and such witnesses as they shall offer to produce upon oath, as likewise the said Trustees, and the persons so appointed by them, and their witnesses, and upon the whole to make such order, either for the proceeding in the faid work or staying the same, as to them shall seem meet; such order, so made, to be binding upon all parties, until the said matter can be heard and determined in the Supreme Court of Judicature of this island, either by action of trespass to be brought by the party so complaining, or by removal of the faid proceedings, either by Certiorari at the instance of the said Trustees, or any of them, as the case shall happen or require.

VI. And be it further enacted by the authority aforefaid, That the collector or collectors, receiver or receivers, so to be appointed by them the faid Trustees, or any five or more of them, shall and may demand, take, and receive, the faid toll and duty, and have all fuch remedies for the fame as is herein before mentioned and expresfed: And further, that the faid collector and collectors, receiver and receivers, be, and they are hereby made, liable and accountable to the faid Trustees, either according to such particular contracts as shall be made and shall subfist between them, or in general for all such sums as they shall respectively receive, over and above such hire, wages,

or falary, as is herein before mentioned and provided for.

VII. and se it jurther enacted by the salve ity aforefaid. The fif

Colle Care and receivers empowered to demand and receive the toll, and to have all the before mento ned remedice ; and to be accountable to the Truffees.

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and the said collectors and receivers, or any of them, or any of their deputies, servants, or substitutes, concerning the sums received or to In case dispetation of the secounted for, or otherwise, or for or concerning any other thing between the whatsoever, that the same shall be decided and determined in such the efficers by them appoint and complied with, until the same shall be brought to a final determination in the Supreme Court of Judicature of this island, either be decided. on removal of such proceedings by Certiorari, or other proper action, to be brought by the party grieved, in such manner and form as is herein before mentioned and provided.

VIII. And whereas there are many owners and possessor so land joining to or upon the said road, or near to the ends or limits of the same, who may be put to great expences were they subjected to pay the full toll or rates, not only on the necessary occasions of sending their cattle of different kinds to water or work, but also for the carriage of provisions from their grounds, or timber for the building or repairs of their works: Be it further enacted by the authority afore-said, That the Trustees afore-mentioned, or any five or more of Trustees authem, be empowered to agree with the said owners or possessor of land adjoining to or upon the said road, or with the attornies or over-with the possessor of such owners or possessor of the said lands, upon such terms stuate near as to them may appear reasonable, for yearly or half-yearly sums, to the toll, for yearly or half-yearly sums, to yearly or half-yearly sums, to yearly or half-yearly sums, instead of the tolls or rates before specified and

IX. And be it further enacted by the authority aforesaid, That this Continuance act, and every part thereof, shall be and remain in force for the term of this act. of fourteen years from the passing thereof.

X. And be it further enacted by the authority aforesaid, That this Public act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without specially pleading the same.

An Ast to repeal an Ast, entitled, "An Act to prevent Paffed the 6th of December. the enticing or inveigling of Slaves from the Possessian fors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also one other Ast, entitled, "An Act to inflict

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inflict further and other Punishments on the Trans. gressors of two several Acts, the one entitled, 'An Act for the better Order and Government of Slaves,' and the other entitled, ' An Act to prevent the enticing or inveigling of Slaves from the Possessions, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life or Years, and for regulating Abuses committed by Slaves;" and also one other Act, entitled, " An Act to repeal Part of an Act, entitled, ' An Act for the better Order and Government of Slaves,' and also of one other Act, entitled, ' An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also Part of one other Act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two feveral Acts, the one entitled, 'An Act for the better Order and Government of Slaves,' and the other entitled, ' An Act to prevent the enticing and inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also Part of an Act, entitled, " An Act for the better Order and Government of Slaves, and to prevent the hiding, concealing, inveigling, detaining, knowingly harbouring or employing the Slaves of others; and for preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years; and for regulating Abuses committed by Slaves," WHEREAS

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THEREAS an act of the Governor, Council, and Affembly of this island, entitled, " An Act to prevent the enticing or ACT 37. inveigling of Slaves from the Possessors, and for the preventing the Preamble. Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also one other act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, An Act for the better Order and Government of Slaves,' and the other entitled, · An Act to prevent the enticing or inveiging of Slaves from the Poffessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life or Years;" and also one other act, entitled. . An Act to repeal Part of an Act, entitled, An Act for the better Order and Government of Slaves,' and also one other Act, entitled, An Act to prevent the enticing or inveigling of Slaves from the Poffellors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also part of one other act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, ' An Act for the better Order and Gov rnment of Slaves,' and the other entitled, ' An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves, and for the more effectual preventing the inveigling, biding, concealing, or employing the Slaves of others, and for rendering the Punishment of such Offenders more certain and effectual;" also part of one other act, entitled, " in Act for the better Order and Government of Slaves;" whereby it is enacted, that no person shall attempt or endeavour to heal or carry off this island, hide, conceal, or employ any slave, on penalty of one hundred pounds; but whosoever shall actually steal a flave, or deface his, her, or their mark, shall be guilty of felony, and shall be excluded the benefit of clergy; are found to be very ininfficient, and not to answer the purposes thereby intended; We, therefore, your Majesty's dutiful and loyal subjects the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your said island of Jamaica, and it is bereby enacted and ordained by the authority of the same, That the said several herein before-mentioned acts, and that Repeal of forpart of the act last mentioned, and herein before-recited, be, and ling-acts. the same are hereby repealed, annulled, and made void, to all intents and purposes; any thing in the said herein before-mentioned acts to the contrary thereof in anywise notwithstanding.

II. And

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II. And whereas the practice of hiding, concealing, inveigling, detaining, knowingly harbouring and employing the flaves of others, is carried on by perions wickedly disposed, and such practice hath been, and still may be, of the most dangerous consequence to the community, not only as the owners have been thereby defrauded of and injured in their property, and great opportunities have been thereby given to negroes to become rebellious; the reducing of which fort of enemies, has been found and is now attended with very great expence and danger to the public: In order therefore to prevent such wicked practices for the future, and to inflict exemplary punishment upon persons who shall be found guilty of such offences; Be it enacted Persons clan- by the authority aforefaid, That, from and after the passing of this act, who foever shall steal, or clandestinely carry or fend off this island, istand, or de- any slave or slaves, the property of any person or persons, or shall mark, or cause to be marked, any slave or slaves, the property of anothers' flaves, other, or deface, or cause to be defaced, his, her, or their mark, and being thereof convicted in his Majesty's Supreme Court of Judicature, or Courts of Affize in this island, shall suffer death as a felon,

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and shall not be allowed the benefit of clergy. III. And be it further enacted by the authority aforesaid, That, from Persons Real- and after the passing of this act, if any person or persons shall steal intent to fend any negro, or other flave or flaves, with an intent to transport or them off this fend such flave or flaves from this island, such person or persons so stealing such flave or slaves, with such intent as aforesaid, shall be liable to be indicted for such offence or offences at the Supreme Court of Judicature, or either of the Courts of Affize in this island, according to the county in which such offence or offences shall be committed; and in case such person or persons, so stealing such slave or flaves, with fuch intent as aforesaid, shall be found guilty thereof, he, she, or they shall suffer death for the same, without benefit of clergy: Provided always, That no attainder shall work any corruption of blood, loss of dower, or disherison of heirs; any law, custom, or usage to the contrary notwithstanding.

Penalty for harbouring or Daves of others.

Provide.

IV. And be it enacted by the authority aforesaid, That who soever shall hide, conceal, inveigle, entice, detain, knowingly harbour or inveigling the employ, the flave or flaves of another, fuch offender, being thereof convicted in manner herein after mentioned, shall, for every such offence, forfeit a fum not exceeding one hundred pounds for every negro or other flave so inveigled, hid, concealed, enticed, harboured, or employed, and shall be committed to the common gaol, without bail or mainprife, for a space of time not exceeding fix kalendar months, and until he, she, or they shall have paid such fine as he, she, or they shall be adjudged to pay: Provided nevertheless, and it is the

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ACT 37.

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true intent and meaning of this act, that no person shall incur any of 1788. the pains or penalties thereof, for hiding, concealing, detaining, or employing any flave or flaves which hath or may come into his or her possession in a regular manner, either by inheritance or devise, or as executor, administrator, trustee, guardian, attorney, or as a fair purchaser, for a valuable consideration; nor shall such person be liable to have fuch flave or flaves taken out of his or her possession by any power or authority granted by this act.

V. And be it further enacted by the authority aforefaid, That who- Persons defoever shall hereafter, under colour or pretence of title or otherwise, staining the take or detain out of or from the possession of another, any slave or others under flaves which hath been in his or their possession for the space of fix vitle, how pukalendar months, without due course of law, such offender or of- nimable. fenders being thereof convicted in manner herein after mentioned, shall, for every such offence, forfeit a sum not exceeding one hundred pounds for every negro or other flave so taken or detained as aforesaid.

VI. And be it further enacted by the authority aforesaid, That any Persons deperson who now holds, or may hold, by lease from another, any slave slaves beyond or flaves, and shall detain or employ such flave or flaves after the ex- the time, how piration of the term mentioned in such lease, or if hired by parol punishable. agreement, made in the presence of one or more witness or witnesses, shall detain or employ such slave or slaves after the time so agreed on be expired, and shall not deliver up such slave or slaves within fourteen days after a demand shall have been made, before one or more witness or witnesses, for the return of such slave or slaves so leased or hired by agreement, shall be deemed an offender against this act, and fuffer such pains and penalties as are inflicted on any person hiding, concealing, inveigling, detaining, knowingly harbouring or employing the flave or flaves the property of another; unless it shall appear, Exception. upon oath, that fuch flave or flaves were then run away, or had abfented themselves against the will of such lessee; and the oath of such lessee shall be taken on such occasion, provided he will also, on oath, declare, that he will deliver up to the leftor such slave or slaves, whenever they shall be taken, and in his custody, power, or possesfion, and that he will use his endeavours to have him, her, or them taken up.

VII. And be it enacted by the authority aforefaid, That upon Chief Justice, any complaint made against any such offender, upon affidavit, to warrants to the Chief Justice, or to any of the Judges of the Supreme Court of apprehend of Judicature, or to any Justice of the Peace for the parish or precinct commit them where fuch offence shall be committed, it shall and may be lawful to prison, or for the faid Chief Justice, or any of the said Judges or Justices of to ball the Peace, to whom such complaint shall be made, to issue his war-

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rant, directed to the Provost-Marshal-General, or his lawful deputy, or to any constable, to apprehend and take up such offenders, and to bring him or them before such Judge or Justices, and him, her, or them so brought to examine, and commit to prison, or admit to bail, as to fuch Judge or Justices shall seem requisite, until such time as a trial can be had upon the faid offender or offenders, not exceeding the

space of ten days.

Such offenders being committed, or held to bail, the Provoft-Marshal to fummon a Jury to appear within ten days to try the offence.

VIII. And be it further enacted by the authority aforefuld, That the Judge or Justices shall, immediately upon the commitment or bailment of such offender, iffue his warrant, directed to the Provost-Marshal, or his deputy, or to any constable, commanding him to fummon twenty-four good and lawful freeholders, of the parish or precinct where such offence shall be committed, to be and appear at the usual place of transacting the parochial business within such parish or precinct, at a certain day and time, not exceeding ten days from the faid commitment or bailment in the faid warrant to be expressed, then and there to form a Jury of twelve of the faid freeholders, so to be warned as aforesaid, to enquire into the offence complained of, and whether the party or parties complained of be guilty or not guilty thereof; and that no freeholder or freeholders, bearing any office of any kind whatsoever, shall be exempted from being warned and serving as a juror or jurors, for the purposes of this act.

IX. And be it further enacted by the authority aforefaid, That the faid Judge or Justices shall also iffue a warrant to apprehend and take to apprehend into custody the slave or slaves so harboured, inveigled, hidden, concealed, taken, detained, or employed, in order to their being produced, at the time appointed by fuch warrant, before the faid Judge or Justices and the said Jury; which warrant shall be directed to the Provost-Marshal or his lawful deputy, or to any constable, who is

hereby directed and required to execute the fame.

Penalty on witneffes refuling or neglecting to attend.

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X. And be it further enacted by the authority of orefaid, That, upon application to the faid Judge or Justices, he or they shall also issues warrant or summons to bring before such Judge or Justices, at such time as shall be appointed by the said warrant, all such persons who can give evidence, either for or against the party complained of, which warrant or fummons shall be directed to such witness or witneffes as shall be required; which person or persons, and every of them so summoned, neglecting or refusing to attend, on the day and at the time and place in such warrant or summons mentioned, upon proof thereof being made upon oath, it shall and may be lawful for the faid ludge or luftices to impose a fine, at their discretion, on fuch witness or witnesses, not exceeding the sum of fifty pounds, and forthwith to levy the same by warrant under the hands of such Judge ty,

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or luftices, by diffress and sale of the offenders goods and chattels; or, for want of lufficient diffress, to attach the body or bodies of fuch person or persons, and him, her, or them to commit to fafe custody, there to remain until he, she, or they shall pay and satisfy such fine imposed; which warrant shall be directed to the Provost-Marthat or his lawful deputy, or to any lawful constable, who is hereby

directed and required to execute the same.

XI. And be it further enacted by the authority aforefaid, That in Provon Marcase the testimony of any person or persons, being legal witnesses, shal to proand in custody of the Provost-Marshal or his lawful deputy, shall be persons in his alledged to be material for either party, upon such complaint made may be deemupon oath, it shall and may be lawful to and for the Judge or Jus- ed material, tices before whom the same shall have been made, to direct the Pro-tion. vost-Marshal, or his lawful deputy, to produce such person or perfons before the Judge, or Justices, and Jury, at the time appointed

for the trial, there to give his, her, or their testimony.

XII. And be it further enacted by the authority aforesaid, That all such warrants or summonses as are directed to be executed by the Provost-Marshal or his lawful deputy, or by the constables, shall be returned to the faid Judge or Justices, at the time and place mentioned and specified in such warrant, duly executed by the Provost-Marshal or his lawful deputy, or the constables, under the penalty of Fifty Pounds: Provided nevertheless, That, upon any reasonable cause Judge may thewn upon affidavit, by either the complainant or the party or par- adjourn for ties complained of, or by some person or persons in his, her, or their rors, and iffue behalf, or for want of jurors, it shall and may be lawful for the said new warludge or Justices from time to time to adjourn, not exceeding the space of ten days between each adjournment, and to iffue all fuch other warrants or summonses for the witnesses and jurors, and the party complained of to recommit, or to take such further bail for his or their appearance, as the nature of the case shall or may require; or in case, through sickness, or any other disability of the Judge or Justices, or either of them, to attend, it shall and may be lawful for any other Judge or Justices to attend in the room of such Judge or Justices, and to proceed in the same manner as such Judge or Jus-

tices are directed by this act. XIII. And be it further enacted by the authority aforefaid, That Chief-Justice, the Chief-Justice, or any Assistant Judge of the Supreme Court of &c. to earry Judicature of this island, or any two Justices of the Peace, shall execution. have full power and authority to proceed to trial, and to carry this act into execution; and that when and as often as any such complaint shall be made to any Justice of the Peace of the parish or precinct where such offence shall be committed, such Justice shall, under the penalty.

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penalty of Fifty Pounds, give notice to any Justice of the Peace of fuch parish and precinct, to affociate himself with him, on the day mentioned in such notice, then and there to act with him on the trial of such offender; which said Justice shall, upon such notice as. aforesaid, at the time of trial, affociate and act together with the faid Justice in the execution of this law, under the penalty of Fifty Pounds upon such Justice who shall refuse or neglect to do his duty in the premises: Provided always, That such complaint shall be made within twelve kalendar months after the offence committed, otherwife fuch Judge or Justices shall and may dismiss such complaint.

Judge empowered to lay fines on the jurymen

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Judge or Justices to impose such fines upon all and every the jurymen, being regularly summoned to notattending, attend at fuch trial, and who do not appear, as to the faid Judge or Justices shall seem reasonable, not exceeding twenty pounds.

Clerk of the Peace to attend the trial, draw up the charge, &c.

XV. And be it further enacted by the authority aforesaid, That the Clerk of the Peace for the time being, or his lawful deputy, shall attend at fuch trial, and shall prepare and draw up a charge in writing, in nature of an inquisition, against such offender or offenders, to be exhibited before such Judge or Justices at such trial.

Clerk of the Peace to refice affidavits,

XVI. And be it further enacted by the authority aforesaid, That the said Clerk of the Peace, or his lawful deputy, shall enter in his cord in his of office, upon record, all affidavits, warrants, inquifitions, and fentences, had, made, taken, or issued, by or before such Judge or Justices: Provided always, That no examination of witnesses, taken before the Judge or Justices upon the trial, is hereby required to be taken down or entered upon record.

Judge to enquire into the by the oaths of twelve frecholders,

&c.

Provife.

XVII. And be it further enacted by the authority aforesaid, That the said charge being exhibited against the said offender or offenders, the faid Judge or Justices shall enquire, by the oaths of twelve freeholders, chosen as herein after is directed, out of the panel so returned by the Provost-Marshal, or his lawful deputy, or constable as aforesaid.

Owners of inveigled flaves allowed as good evidences, altho' they profeeute, &c.

XVIII. And be it further enacted by the authority aforefaid. That the owner or owners, possessor or possessors of such slave or slaves, being legal witnesses, shall be admitted and allowed, notwithstanding he, she, or they profecute, as good evidences in all cases under this act; any thing in this or any other law to the contrary notwithstanding.

Jarors not to depart till they return

XIX. And be it further enacted by the authority aforesaid, That the whole of the evidence being finished, the said jurors shall not their inquest, depart until they shall return their inquest to the said Judge or Justices.

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XX. And be it further enacted by the authority aforesaid, That after the faid jurors thall have returned their inquest as aforesaid, the faid Judge or Justices shall thereupon proceed, as the case shall be, ed how to act either to pronounce sentence of acquittal, or to award the several pains in the iffue of and penalties in this act before severally mentioned and set forth; and the trial. shall also forthwith cause the slave or slaves to be immediately delivered over to the profecutor, or him, her, or them who shall claim the same: Provided always, That the inquest found and returned as Proviso. aforefaid, shall be final to all intents and purposes, and shall and may be a bar to any other charge that may be brought for the same offence.

XXI. And be it further enacted by the authority aforesaid, That Proceedings the proceedings of the Judge or Justices upon this act shall not be not to be removed by Gerremoved by writ of Certiorari, or otherwise, until after judgment tiorari, till afthereon, and the commitment of the party or parties; and that the terjudgment, proceedings had by virtue of this act shall not be set aside by the Supreme Court of Judicature of this island, or Courts of Assize, for

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XXII. And be it further enacted by the authority aforesaid, That the Fees of the Clerk of the Peace, or his lawful deputy, shall have for his and their Clerk of the Peace, who, trouble in attending the faid trial, the fum of one pound for each on neglect of day's attendance upon the faid trial, and the fum of five pounds for duty, is to forfeit rool. taking down and recording all the proceedings relative to the trial as aforesaid; and if he or they shall neglect or refuse to perform his or their duty in the premises, he or they shall respectively forfeit the fum of One Hundred Pounds.

XXIII. And be it further enacted by the authority aforesaid, That, Expences ain all cases where an acquittal shall be, the person complaining shall defendant, in forthwith pay to the defendant or defendants, the expences out of case of acpurse attending the said trial, to be settled and ascertained by the Judge or Justices who sat upon the said trial, if, from the circumstances of the case, it shall appear fitting to the said Judge or Justices to award the same, so as the whole of such charges and expences do not exceed the fum of fifty pounds; and in case such party or parties thall refuse or neglect to pay the costs so to be awarded, that then it shall and may be lawful to and for the faid Judge or Justices to commit the party or parties, so refusing or neglecting, to gaol, without bail or mainprise, until the said costs shall be fully paid and satisfied; but, in case of conviction, the same shall be paid out of the fines, torfeitures, and penalties laid and levied by the authority of this act.

XXIV. And be it further enacted by the authority aforesaid, That Fines impoall fines, forfeitures, and penalties imposed by this act, except such sed by this as are laid upon the Justices for their neglect, shall be raised, reco- be livied and vered, and levied, by warrant under the hands and seals of such Judge applied.

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or Justice who sat upon such trial, directed to the Provost-Marshal, or his lawful deputy, or to the constable, by distress and sale of the offender's goods and chattels, if such can be found, and, where no distress can be found, by imprisonment of the offender's body until fuch fine shall be paid and satisfied; and the money arising by such fine or distress shall be paid into the hands of the Receiver-General for the time being, or his lawful deputy, by the person levying the fame, within one month after the same is levied, under the penalty of forfeiting double the fum not paid in, deducting only thereout fuch fum as shall be awarded to the complainant upon such conviction, the costs of trial, and commission of five pounds per centum for levying the same, as also the sum of five pounds allowed to the Provost-Marshal's deputy, or to the constable, for executing the several warrants directed to them by virtue of this act; and all fines and forfeitures laid by this act upon the Justices, for their neglect of duty, shall be recovered by bill, plaint, or information in the Supreme Court of Judicature of this island, by any person or persons who shall fue for the same, wherein no essoin, emparlance, or wager of law, or Non vult ulterius prosequi, shall be granted or allowed; the half of fuch penalties to be to our Sovereign Lord the King, his heirs and successors, for and towards the contingent charges of the government of this island, and the other half to the informer, or the person who shall sue for the same.

Fines on Juftices how to be recovered and disposed

Penalties in certain cafes, plied.

XXV. And be it further enacted by the authority aforesaid, That the party aggrieved by such offence, if he is not examined as a how to be ap- witness, shall receive, out of the fines and penalties inflicted by this act upon such offenders, one half of the said penalties, and the other half to be paid to his Majesty's Receiver-General, or his lawful deputy, for the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; but in case the party aggrieved is examined as a witness, or gives his testimony, that then and in such case the whole of the fines and penalties inflicted by this act upon fuch offenders, shall be wholly paid to his Majesty's Receiver-General for the time being, or his lawful deputy, for the use of his Majesty, his heirs and successors, towards the support of the contingent charges of the government of this island, first deducting the charges of the profecution.

XXVI. And, to render the trial more effectual, be it enacted by the Clerk of the authority aforejaid, That, upon such trial, the names of the jurors be-P acetodraw ing called over according to the panel, the Clerk of the Peace, or a Jury by balhis lawful deputy, shall transcribe from the said panel their names, each name upon a separate piece of paper, and shall fold the same up,

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and put them in a box, to be provided for that purpose; from whence he shall fairly, openly, impartially, and without any collusion, draw a Jury of twelve of the faid freeholders, in the nature of a ballot, in the same manner and form as the same is now practised in the courts of justice in that part of Great-Britain called England:

XXVII. And be it further enacted by the authority aforesaid, That Officers to do it shall and may be lawful for the Judge or Justices, Jurors, Clerk their duty notwith andof the Peace, or his lawful deputy, and the Constables, and all wit- ing martial nesses, summoned to attend by virtue of this act, in the several clauses in this act mentioned, to do their several and respective duties, notwithstanding martial law shall happen to be then in force; any law, custom, or usage to the contrary thereof notwithstanding.

XXVIII. And be it further enacted by the authority aforesaid, That Parties atthe complainant and complainants, defendant and defendants, and all tending trials and every person or persons bound or warned to serve as jurors, or their persons, summoned as witnesses, by virtue of this act, shall be protected in their persons from all mesne and judicial process, in their going to,

attending at, and returning from the faid trial.

XXIX. And be it further enacted by the authority aforesaid, That Persons maliin case any person or persons shall be injured or aggrieved by any false ciously profeor malicious profecution, commenced or profecuted against him, her, be redressed. or them, by virtue and under colour of this act, such person or perfons fo injured or aggrieved shall and may be at liberty to bring and profecute an action or actions upon the case, in the Supreme Court of Judicature of this illand, against any person or persons by whom they thall or may be to injured or aggrieved by fuch falle or malicious profecution; any law, custom, or usage to the contrary notwithstanding -

XXX. And whereas many persons in this island have been deprived of their property in flaves, and the possession thereof taken away by a cultom which lately prevailed, of persons enticing or inveigling away the flaves of others, and putting them in gaol, and then issuing out replevins against the deputy-marshal, or keeper of such gaol, and getting judgments against such marshal or gaol-keeper for such slaves, without the mafter or owner knowing any thing of fuch proceedings: for remedy whereof, and to prevent such practices for the future, Be it enacted by the authority aforesaid, That all and every the deputy- Slaves in posmarthals and gaol-keepers who shall have any action in replevin brought fession of deagainst him, for any negro or other slaves in his custody, and not shals, replevitaken upon venditioni, or other process, such marshal or gaol-keeper ned, to be advertised. hall, for every offence, under a penalty not less than five pounds for exceeding fifty pounds, as shall be inflicted by the Judges of his Majetty's Supreme Court of Judicature or Courts of Affize in this

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island, immediately after he receives such replevin, give notice in the public news-papers of fuch action, and at whose suit, and the name of such negro or other slave or slaves, together with his, her, or their marks, and the best information he can get concerning the real owners of such flave or slaves, and shall continue such notice for four weeks before the trial shall be had upon such replevin, or such slave

or flaves be taken out of the custody of such marshal or gaol keeper; the costs of which shall be paid to such marshal or gaol-keeper by

the person who shall recover such slave or slaves.

XXXI. And whereas several persons holding, possessing, or enjoying negro and other flaves, as tenants by the courtefy of England, tenants in dower, tenants for life or years, and mortgagors of negro and other flaves, or those deriving under them, heretofore used to fend off from this illand, by way of merchandise or otherwise, several negro and other flaves, by them held and enjoyed under the titles aforesaid, to the great prejudice of the mortgagee, his heirs or asfigns, and of him, her, or them to whom such negro or other flave or flaves ought to descend or come, after the determination of such particular estate as aforesaid: For remedy whereof, Be it enacted by the authority aforefuid, That if any tenant by the courtefy of Eng. not to be fent land, tenants in dower whilst a widow, or any second or other husoff the island, band of such tenant in dower, or any tenant for life or years, or any malty of 100% mortgagor, or any person claiming by, from, or under him, shall send off from this island, except by order of law, or otherwise dispose of, any negro or other slave, held, enjoyed, or possessed by him, her, or them, by the courtefy of England, in dower, or for life or years, or by any mortgagor, or other persons claiming by, from, or under a mortgagor, without the consent of the mortgagee, his hein or affigns, or of him, her, or them in reversion or remainder, or of him, her, or them to whom such negro or other slave, after the de termination of fuch particular estate, should come to or descend, he she, or they so offending as aforesaid, shall, for every negro or other flave so sent off from this island, forfeit the sum of One Hundred Pounds to the mortgagee, or others claiming under him, her, or them in reversion or remainder, or to whom such negro or other slave should or might come after the determination of such particular

> estate. XXXII. And whereas very great and many inconveniencies have for some time past arisen, and do daily arise, to the inhabitants of this island, particularly to the inhabitants of the three towns of Saint Jago de la Vega, Port-Royal, and Kingston, by reason that several flaves, belonging to unknown persons in this island, are clandestinely allowed and do daily frequent the carrying on a private trade, either

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on their own accounts, or on account of their owners or employers, for arms, ammunition, and other necessaries, and also to hire themselves out to work for a shorter or longer time, and, for their so doing, to pay to their respective owners or employers a certain daily, weekly, or monthly allowance; which oftentimes occasion them, if they cannot get work or employment, to commit thefts and robberies to raise money to satisfy the contracts and agreements made with their owners or employers: For the prevention whereof for the future, Be it enacted by the authority aforefaid, That, from and after the paf- Slaves hiring fing of this act, no negro or other flave shall hire themselves out to without leave work, either on shore or on board any ship or vessel, boat, wherry, how punishor canoe, in any harbour, creek, bay, or river in this island, or offer themselves to hire, without the license or consent, privity, knowledge, or direction of their respective owner or owners, or the person or persons who hath or have the immediate care, government, and direction of such slave or slaves, under his, her, or their own hands in writing first had and obtained, for such particular work as the said flaves shall respectively hire or offer to hire themselves, and testified by one or more of his Majesty's Justices of the Peace of the parish or precinct where the owner or owners, employer or employers of fuch flave or flaves do or shall inhabit, every such slave or slaves so offending, shall be whipped, at the discretion of any magistrate, in the parish or precinct where such slave or slaves shall offer themseves for hire, without such license as aforesaid, not exceeding thirty-nine lathes; and that if any Justice of the Peace, upon complaint made Penalty on to him on oath, shall neglect or refuse to put this law in execution, Judices of the he shall, for every such neglect or refusal, forfeit the sum of Twenty lea of duty. Pounds; one half to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other half to such person or persons who shall inform or sue for the same, to be recovered in his Majesty's Supreme Court of Judicature of this island; in which suit no essoin or wager of law shall be allowed.

XXXIII. And whereas several inhabitants of this island do suffer and encourage the aforesaid slaves not only to build cottages and huts in the favannas and waste grounds, but also do let or hire houses, cottages, huts, or lodgings, unto the aforesaid slaves, by the day, week, month, quarter, year, or other greater or leffer term, who are fuffered and permitted by their owners and employers to work and employ themselves in what manner and wheresoever they shall think fit, provided they pay their owners a certain fum of money, daily, weekly, monthly, or yearly, which hath oftentimes occasioned several thefts and robberies, in order to comply with their contracts and agree-

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1788. Penalty on per fons hiring houses, &c. to flaves.

ments: For the prevention whereof for the future, It is bereby further enacted and ordained by the authority aforefaid, That if any owner or owners, employer or employers, of any fuch flave or flaves, or any other inhabitant of this island, shall, from and after the passing of this act, let or hire any houses, cottages, huts, or lodgings, to any fuch flave or flaves, or shall permit, encourage, or countenance them, or any of them, to build any dwelling-house or houses, cottages, or huts, in any towns, savannas, waste grounds, lanes, roads, or paths in this island, in order to hire themselves out to work, or to carry on any trade, shop, or employment, or shall wittingly, willingly, or knowingly, fuffer any fuch flave or flaves to hire themselves out to work, or to follow any trade or employment without such license as aforesaid, or shall contract or agree with any such slave or slaves for any certain fum of money, or other thing whatfoever, by the day, week, month, or year, or any greater or leffer time, and to go abroad where such slave or slaves shall think fit, in case they comply with their agreement; every such owner and owners, employer and employers, of any fuch flave or flaves, and all and every other person and persons whatsoever, having the care or direction of such slave or flaves, shall forfeit the sum of Ten Pounds; one moiety or half part thereof unto our Sovereign Lord the King, his heirs and fuccessors, for and towards the support of the government of this island, and the contingent charges thereof, and the other half to the informer or informers, or him, her, or them who shall sue for the same; to be recovered in a fummary manner, before any one of his Majesty's Justices of the Peace for the parish or precinct where the offence shall be committed.

der the houfes, &c. of flaves to be nalty of sol. refusal.

XXXIV. And it is hereby further enacted by the authority aforefaid, Justices to or. That, upon complaint made to any of his Majesty's Justices of the Peace for the precinct where such offence shall be committed, of the pulled down, fetting up or building any such dwelling-house or houses, cottages, under the pe- or huts, in any town, savanna, waste grounds, lanes, roads, or for neglect or paths, or of their having been already built or erected, every such Justice of the Peace is hereby authorised, empowered, and required, forthwith, to order and direct, by warrant for that purpose to all or any of the constables of the said parish or precinct, such houses, cottages, and huts to be pulled down and destroyed, and, upon neglect or refusal, such Justice of the Peace shall forfeit the sum of Fifty Pounds; one moiety whereof shall be to his Majesty, his heirs and fuccessors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to fuch person or persons who shall sue for the same, to be recovered in the Supreme Court of Judicature of this island; in which suit no

essoin or wager of law shall be allowed; any law, custom, or usage

to the contrary thereof in anywise notwithstanding.

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XXXV. And be it further enacted by the authority aforefaid, That Free negroes, if any free negro, free mulatto, or free Indian, shall hereafter be &c. harbourfound guilty of employing, aiding, concealing, enticing, entertain- off flaves to ing, or fending off from this island, any runaway or rebellious negro forfeit their freedom, and or other flave, every such free negro, free mulatto, or free Indian, be transportfo guilty of any such offence, shall forfeit his or her freedom, and ed off this be transported off this island, by the order of any two of the Judges of the Supreme Court of Judicature of this island, or of any three Justices of the Peace for the time being; who are hereby empowered to hear and determine every such offence, and to make such orders, and to direct the due execution therof; any law, custom, or usage to the contrary notwithstanding.

XXXVI. And be it further enacted by the authority aforefaid, That Penalty on in case any person or persons committed to prison by virtue of this the Provestact shall escape, the Provost-Marshal-General, or his deputy, out of any person whose custody such person or persons shall escape, shall forfeit to his prison. Majesty, his heirs and successors, the sum of One Hundred Pounds, for and towards the support of the government of this island, and the contingent charges thereof, and likewise be subject and liable to pay the party or parties aggrieved all fuch fum and fums of money

as the faid prisoner or prisoners were condemned to pay.

XXXVII. And be it further enacted by the authority aforesaid, That Continuance this act, and every clause, matter, and thing therein contained, shall of this act. continue and be in force, from the passing thereof, for and during the term of feven years, and no longer.

1788.

An AEt to repeal an AEt, entitled, " An Act to repeal se- Passed the 6th of December. veral Acts and Clauses of Acts respecting Slaves, and for the better Order and Government of Slaves. and for other Purposes;" and also to repeal the several Acts, and Clauses of Acts, which were repealed by the Act entitled as aforesaid; and for consolidating, and bringing into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security; for altering the Mode of Trial of Slaves charged with capital Offences; and for other Purposes.

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ACT 38. Preamble.

WHEREAS it is for the public good, that all the laws respecting the order and government of slaves should be consolidated, and brought into one law, in order to prevent confusion, and that justice may more effectually be executed respecting slaves:

And whereas it is found necessary, for the purpose of giving further security to slaves, that the mode of trial of slaves charged with

capital offences should be altered:

Acts, and clauses of acts, now in force, respecting the government of flaves.

And whereas, in order thereto, it is necessary that all the herein after-mentioned laws, and clauses of laws, should be repealed; viz. An act of the Governor, Council, and Assembly of this island, entititled, " An Act for regulating Servants," passed in the year of Our Lord one thousand six hundred and eighty-one; also the 6th clause of an act of the Governor, Council, and Assembly, entitled, " A supplemental and explanatory Act," passed in the year of Our Lord one thousand fix hundred and eighty-three; also the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 45th, 46th, 47th, 48th, and 49th clauses of one other act of the Lieutenant-Governor, Council, and Assembly, entitled, " An Act for the better Order and Government of Slaves," passed in the year of Our Lord one thousand six hundred and ninety-six; also, one other act, " for the more effectual punishing of Crimes committed by Slaves," passed in the year of Our Lord one thousand seven hundred and seventeen; also, one other act, " for the Encouragement of voluntary Parties to suppress rebellious and runaway Negroes," passed in the year of Our Lord one thousand seven hundred and eighteen; also, one other act, entitled, " An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, " An Act for the better Order and Government of Slaves," and the other entitled, . An Act to prevent the enticing or inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life or Years, and for regulating Abuses committed by Slaves," passed in the year of Our Lord one thousand seven hundred and twenty-sive; also, one other act, " to repeal Part of an Act entitled, An Act for the more effectual Punishment of Crimes committed by Slaves,' and to oblige the several Parishes to pay for all Negroes executed in each respective Parish," passed in the year of Our Lord one thousand seven hundred and forty; also, one other act, " to explain and amend an Act, entitled, An Act for the better Order and Government of Slaves,' and for making free and rewarding a Negro named Hector, belonging to I homas Fuller, Efa. and ,

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and paying his faid Master the Value of the said Negro," passed in the year of Our Lord one thousand seven hundred and forty-four; also, one other act, " to inflict further and other Punishments on runaway Slaves, and such as shall entertain them," passed in the year of Our Lord one thousand seven hundred and forty-nine; also, one other act, " to amend an Act, entitled, An Act to repeal Part of an Act, entitled, ' An Act for the more effectual Punishment of Crimes committed by Slaves, and to oblige the several Parishes to pay for all Negroes executed in each respective Parish," passed in the year of Our Lord one thousand seven hundred and forty-nine; also, the 6th and 7th clauses of " An AEt to prevent the clandesline killing and marking of Cattle, and for the better regulating of Hunting," passed in the said year of Our Lord one thousand seven hundred and forty-nine; and also, an act, entitled, " An Act to explain Part of an Act, entitled, ' An Act for the better Order and Government of Slaves,' and for inflicting further and other Punishments on Persons killing Negroes or Slaves," passed in the year of Our Lord one thousand seven hundred and fifty-one; also, one other act, " to remedy the Evils arising from irregular Assemblies of Slaves, and to prevent their possessing Arms and Ammunition, and going from Place to Place without Tickets; and for preventing the Practice of Obeah; and to restrain Overseers from leaving the Estates under their Care on certain Days; and to oblige all free Negroes, Mulattoes, or Indians, to register their Names in the Vestry-books of the respective Parishes of this Island, and to carry about them the Certificate, and wear the Badge of their Freedom; and to prevent any Captain, Master, or Supercargo of any Vellel, bringing back Slaves transported off this Island," passed in the year of Our Lord one thousand seven hundred and fixty; also, one other act, " to explain and amend an Act, entitled, 'An AEt to remedy the Evils arising from irregular Assemblies of Slaves, and to prevent their possessing Arms and Ammunition, and going from Place to Place without Tickets; and preventing the Practice of Obeah; and to restrain Overseers from leaving the Estates under their Care on certain Days; and to oblige all free Negroes, Mulattoes, and Indians, to register their Names in the Vestry-books of the respective Parishes of this Island, and to carry about them the Gertificate, and wear the Badge of their Freedom; and to prevent any Captain, Master, or Supercargo of any Vessel, bringing back Slaves transported off this Island," passed in the year of Our Lord one thousand seven hundred and fixty-one; also, one other act, " to repeal an Act, entitled, ' An Act for the more effectual preventing Negroes and other Slaves from deserting from their Owners, and departing from this Island in a clandestine manner, and to punish such Persons as shall be aiding, assist-

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ing, or abetting such Slaves in their Escape,' and for the more effectual preventing Negroes and other Slaves from deferting from their Owners; and departing from this Island in a clandestine manner, and to punish fuch Persons as shall be aiding, assisting, or abetting such Slaves in their Escape," passed in the year of Our Lord one thousand seven hundred and seventy-one; also, one other act, passed in the year of Our Lord one thousand seven hundred and seventy-eight, entitled, " An Act to explain, alter, and amend an Act passed in the Year of Our Lord one thousand fix bundred and ninety-fix, entitled, ' An Act for the better Order and Government of Slaves;" and also, the 31st clause of an act, passed in the year of Our Lord one thousand seven hundred and eighty, entitled, " An AEt to repeal an Act, entitled, An Act to prevent the enticing or inveigling of Slaves from the Poffeffors, and for the preventing the Transportation of Slaves by Mortgagors and Tenan's for Life and Years, and for regulating Abuses committed by lives; and also one other Act, entitled, 'An Act to inflict further and other Punishments on the Transgressors of two several Acts, the one entitled, ' An Act for the better Order and Government of Slaves,' and the other entitled, ' An Act to prevent the enticing and inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life or Years, and for regulating Abuses committed by Slaves;' and also one other Act, entitled, ' An Act to repeal Part of an Act, entitled, ' An Act for the better Order and Government of Slaves,' and also of one other Act, entitled, An Act to prevent the enticing or inveigling of Slaves from the Poffessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;' and also Part of one other Act, entitled, ' An Act to inflict further and other Punishments on the Transgressors of two feveral Acts, the one entitled, An Act for the better Order and Government of Slaves,' and the other entitled, ' An Act to prevent the enticing and inveigling of Slaves from the Possessors, and for the preventing the Transportation of Slaves by Mortgagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves; and also Part of an AEt, entitled, an AEt for the better order and Government of Slaves, and to prevent the biding, concealing, invegling, detaining, knowingly barbouring or employing; the Slaves of others, and for proventing the Transportation of Slaves by Morngagors and Tenants for Life and Years, and for regulating Abuses committed by Slaves;" and also, one other act, entitled, " An Act to repeal jeveral Acts, and Claujes of Acts, respecting Slaves, and for the better O der and Government of Slaves, and for other Purpoles," passed the twenty-second day of December, in the year of Our Lord one thousand feven hundred and eighty-feven:

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ACT 38.

And whereas it is necessary to make further and other provision for the better order and government of flaves, that justice may hereafter be more effectually administered: We, therefore, your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's island of Jamaica, do most humbly beseech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of the said island, and it is hereby enacted and ordained by the authority of the same, That, from and after the first day of All such laws, January, which will be in the year of Our Lord one thousand seven and clauses of hundred and eighty-nine, all and every the faid herein before-men-repealed. tioned laws, and clauses of laws, and every part thereof, be and stand annulled, repealed, and made void, and are hereby annulled, repealed, and made void, to all intents and purposes whatsoever; any thing in the faid laws, and clauses of laws, or in any other law, contained to the contrary, in any wife notwithstanding.

II. And whereas nothing can contribute more to the good order and government of flaves than the humanity of their owners, in providing for and supplying them with good and wholesome provisions, and proper and sufficient cloathing, and all such other things as may be proper and necessary for them, during their being in a state of Proprietors flavery: For which end and purpose, Be it further enacted by the or possession authority aforefaid, That, from and after the first day of January ons, &c. to alaforesaid, every master, owner, or possessor of any plantation or plan-lot a sufficient quantity of tations, pens, or other lands what soever, shall allot and appoint a land for every fufficient quantity of land for every flave he shall have in possession allow them. upon, or belonging to, such plantation or plantations, pens, or other sufficienttime lands, as and for the proper ground of every such slave, and allow same. such flave sufficient time to work the same, in order to provide him, Owners or her, or themselves, with sufficient provisions for his, her, or their possessors of maintenance: And also, all such masters, owners, or possessions of &c. to plant plantations, pens, or other lands, shall plant upon such plantations, one acre for pens, or other lands, in ground-provisions, at least one acre of land flaves, in profor every four negroes that he shall be possessed of on such plantation, and above the pen, or other lands, over and above the negro-grounds aforesaid; ground aforesaid, under which lands shall be kept up in a planter-like condition, under the the penalty penalty of Fifty Pounds.

III. And whereas it may happen, that in many plantations, pens, fettlements, and towns in this island, there may not be lands proper Where lands for the purposes aforesaid; then, and in that case, the masters, owners, are not at for or possessions, do, by some other ways and means, make good and ample the above purprovision for all such flaves as they shall be possessed of, in order that to be otherhey may be properly supported and maintained, under the penalty of wife provided

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with the neceffaries of to others, under the penalty of 10/.

IV. And be it further enacted by the authority aforefuld, That no mafter, owner, or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otheraway by their wife, shall difeard or turn away any fuch flave or flaves, on account or by reason of such flave or flaves being rendered incapable of labour age, fickness, or service to such master, owner, or possessor, by means of sickness, age, or infirmity; but every such master, owner, or possessor, as aforebe turnithed faid, shall be, and he is hereby obliged, to keep all such flave or flaves upon his, her, or their properties, and to find and provide life, and not them with wholesome necessaries of life, and not suffer such slave or shout and be flaves as aforefaid to be in want thereof, or to wander about, or beburthensome come burthensome to others for sustenance, under the penalty of Ten Pounds for every fuch offence, to be recovered in a fuminary manner, before any one Justice of the Peace in this island; who is hereby authorifed, empowered, and required, to cause such master, owner, or possession, his, her, or their attorney or agent, and such other persons as he shall judge necessary, to be summoned before him, to enable him to judge and determine of the propriety of such information, and whether fuch mafter, owner, or possessor, ought to incur the said penalty; and in the mean time, and until fuch trial can be had, the faid Justice of the Peace, on his own view, or upon the information of any white person, upon oath, is hereby empowered and required to take up such wandering, sick, aged, or infirm slave or slaves, and to lodge him, her, or them in the nearest workhouse, there to be cloathed and fed, but not worked, at the expence of the master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said Justice, on such trial, that the party or parties so complained of is or are guilty of the faid offence, and shall refuse to pay the said ten pounds, and the fees to such workhouse for the waintenance of such flave or flaves, together with the charges of the conviction, the faid Justice is hereby required and empowered under the penalty of Twenty Pounds, forthwith, by warrant under his hand and feal, directed to the constable, to commit such offender or offenders to the common gaol of the county or parish where the offence shall be committed, there to remain until he or she shall pay the fum of ten pounds, and charges as aforesaid; one moiety of which faid fine shall be paid to the informer, and the other moiety shall be paid into the hands of the Churchwardens of such parish, for the poor of said parish; any law, custom, or usage to the contrary notwithstanding.

V. And, for the better encouragement of flaves to do their duty to their masters, owners, or possessors, be it further enacted by the authority aforesaid, That every master, owner, or possessor of slaves,

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shall, once in every year, provide and give to each slave they shall be possessed of proper and sufficient cloathing, to be approved of by the Justices and Vestry of the parish where such master, owner, or their owners, poffessor of such flaves reside.

VI. And be it further enacted by the authority aforefaid, That all masters and mistresses, owners, or, in their absence, overseers of saves to enflaves, shall, as much as in them lies, endeavour the instruction deavour to infruct them in of their flaves in the principles of the Christian religion, whereby the principles to facilitate their conversion, and shall do their utmost endeavours to of the Christian religion. fit them for baptism, and, as soon as conveniently they can, cause to be baptised all such as they can make sensible of a Deity and

the Christian faith.

VII. And be it further enacted by the authority aforesiid, That Owners, &c. every master, owner, proprietor, attorney, guardian, executor, ad- at the time of ministrator, or other person, at their giving in an account of their flaves, &c. to flaves and stock to the Justices and Vestry, on the twenty-eighth day the Justices and Vestryof December in every year, shall, under the penalty of Fifty Pounds men, shall for every neglect, also give in, on oath, an account of the quantity account of of land in ground-provisions, over and above the negro-grounds, the quantity upon fuch plantation, pen, or other fettlement, where there are lands ground-proproper for the cultivation of such provisions; and, where there are visions, over not lands proper for fuch purposes, then an account, on oath, of the negroprovision made on such plantation, pen, or other settlement, or grounds, unmeans adopted for the maintenance of the flaves thereon; and shall nalty of sol. alio, at the same time, and under the like penalty, give in an account, give in an acon oath, of the nature and quantity of the cloathing actually ferved count of the to each flave on fuch plantation, pen, or other fettlement, for the tually ferved approbation of the Justices and Vestry, as aforesaid.

VIII. And, in order to encourage flaves for every good and worthy act that they shall do, be it further enacted by the authority aforesaid, That every flave or flaves that shall take up any runaway flave, or in- slaves taking form against any person who shall have or conceal any runaway flave up runaways, or flaves, fo that fuch runaway flave or flaves may be taken and re- have commitflored to his owner or owners, every fuch flave or flaves, fo inform- ted theft, &c. ing, shall be entitled to such reward as any Justice shall in reason and against perjustice think just and reasonable, and be paid by such person or per- ing them, to fons as fuch Justice shall determine ought to pay the same, not ex- be rewarded.

ceeding twenty shillings.

IX. And be it further enacted by the authority aforesaid, That if The killing or any flave or flaves shall kill or take any flave or flaves in actual rebel- apprehending flaves in actual lion, he or they shall receive from the Churchwardens of the respec- al rebellion, tive parishes where such slave or slaves shall have been killed, the sum how to be reof three pounds, and the fum of five pounds if taken alive, and a

cleathed by &c. once in every year.

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blue cloth coat, with a red cross on the right shoulder, to be paid by the Churchwardens of the respective parishes where such slave or slaves shall have been killed or taken; the whole expense whereof shall be reimburfed by the Receiver-General for the time being, out of any

monies in his hands unappropriated.

Persons wilfully mutilating or difmembering Naves, to be prisoned.

X. And, in order to prevent any person from mutilating or dismembering any flave or flaves, be it further enacted by the authority aforefaid, I hat if any mafter, mistress, owner, possessor, or other person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowfined and im. ledge, sufferance, privity, or consent, mutilate or dismember any flave or flaves, he, she, or they shall be liable to be indicted for each offence in the Supreme Court of Judicature, or in any of the Affize Courts of this island, and, upon conviction, shall be punished by fine, not exceeding one hundred pounds, and imprisonment, not exceeding twelve months, for each and every flave so mutilated or dismembered; and fuch punishment is hereby declared to be without prejudice to any action that could or might be brought at common law, for recovery of damages for or on account of the same: And, in very atrocious cases, where the owner of such slave or slaves shall haves, in cer-tain cases, to be convicted of such offence, the court before whom such offender shall have been tried and convicted are hereby empowered, in case they shall think it necessary for the future protection of such flave or flaves, to declare him, her, or them, free and discharged from all manner of fervitude, to all intents and purposes whatsoever; and, in all fuch cases, the court are hereby empowered and authorised, if to them it shall appear necessary, to order and direct the faid fine of one hundred pounds to be paid to the Justices and Vestry of the parish to which the said slave or slaves belonged, to the use of the faid parish; the faid Justices and Vestry, in consideration thereof,

> paying to fuch of the faid flave or flaves, fo made free, the fum of ten pounds per annum, for his, her, or their maintenance and support during

> life; and in case any slave or slaves shall suffer any before-described

mutilations, fuch flave or flaves, on his, her, or their application to any

Justice of the Peace, the said Justice of the Peace shall be, and is hereby

directed, required, and empowered, on view, and certain conviction of

the fact, to fend such flave or flaves to the nearest workhouse where fuch offence shall be committed, and such slave or slaves shall be there safely kept, and carefully attended, at the expense of such parish, until fuch time as there shall be a legal meeting of the Justices and Vestry of fuch parish, which Justices and Vestry, so met, are hereby created

and appointed a council of protection of fuch flave or flaves: And the

faid Justices and Vestry, so met, are hereby directed and empowered to

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make further and full enquiry, upon view, into the commitment of 1783. the mutilation of such slave or slaves; and, if to them it shall appear proper, the faid Justices and Vestry are hereby empowered and fecute the ofrequired to profecute to effect such owner or owners, the expense of fenders, at the which profecution shall be defrayed at the expense of the parish the parish. where such offence shall be committed; and in case the owner or Justices, &c. owners of such flave or flaves shall appear capable of paying the costs to commence and charges of such before-mentioned prosecution, the said Justices the owners, and Vestry are hereby empowered to commence suit or suits against &c. of such fuch owner or owners of fuch flave or flaves, and recover all costs covery of the and charges out of purse, by them laid out and expended in such fuite. fuit or fuits: And the keeper or supervisor of the workhouse where fuch mutilated flave or flaves shall have been first committed, is hereby directed and required, upon due notice of the first meeting of the Justices and Vestry of the parish where the offence was committed, to carry or deliver the body or bodies of fuch mutilated flave or flaves, for the inspection and direction of such Justices and Vestry, under the penalty of Twenty Pounds for every neglect, in not carrying or delivering before such Justices and Vestry such slave or flaves.

XI. And be it further enacted by the authority aforesaid, That in Justices of the case any information is made, before any Justice of the Peace, that formation any flave or flaves is or are so mutilated and confined, it shall and may made that be lawful for such Justice of the Peace, and he is hereby empowered, tilated and required, and directed, forthwith to issue his warrant to any consta-confined, are ble, or the Provost-Marshal, or his lawful deputy, ordering them, warrants to or any of them, immediately to proceed to where such flave or slaves, flaves before to mutilated, are confined, and fuch flave or flaves to feize and take them. up, and him or them, so seized or taken, to bring before some Justice of the Peace, to be dealt with according to law.

XII. And be it further enacted by the authority aforefaid, That if Persons wilany person hereafter shall wantonly, willingly, or bloody-mindedly, gaves, to sufkill any negro or other flave, fuch person, so offending, shall, on fer death. conviction, be adjudged guilty of felony, without benefit of clergy, and shall suffer death accordingly, for the said offence: Provided always, That such conviction shall not extend to the corrupting the blood, or the forfeiture of lands or tenements, goods or chattels; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

XIII. And be it further enacted by the authority aforefaid, That, Persons wanfrom and after the first day of January aforesaid, any person or persons elly beating that shall wantonly or cruelly whip, beat, bruise, wound, or shall saves, or conimprison or keep in confinement, without sufficient support, any without suffi-

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flave or flaves, shall be subject to be indicted for the same in the Supreme Court of Judicature, or in either of the Courts of Affize, or Courts of Quarter-Sessions in this island; and, upon being thereof legally convicted, he, she, or they, shall suffer such punishment, by fine or imprisonment, as the Judges or Justices of such courts shall think proper to inflict; any law, custom, or usage to the contrary in anywise notwithstanding: And such punishment is hereby declared to be without prejudice to any action at common law that could or might be brought for the recovery of damages for and on account of the fame, in case such slave or slaves shall not be the property of the offender.

of flaves, re-Rrained in punishing arbitrarily.

XIV. And, in order to restrain arbitrary punishments, be it fur-Owners, &c. ther enacted by the authority aforesaid, That no flave, on any plantation or fettlement, or in any of the workhouses or gaels in this island, shall receive more than ten lashes at one time, and for one offence, unless the owner, attorney, guardian, executor, or administrator, or overfeer of such plantation or settlement, having such flave in his care, or supervisor of such workhouse, or keeper of fuch gaol, shall be present; and that no such owner, attorney, guardian, executor, administrator, or overseer, supervisor, or gaol-keeper, shall, on any account, punish a flave with more than thirty-nine lashes at one time, and for one offence, under the penalty of Five Pounds for every offence, to be recovered against the person directing or permitting such punishment.

XV. And whereas, from the decease and removal of residence of many proprietors of flaves, and other circumstances, and from the

manumission of negro, mulatto, and other slaves, without any suitable provision being made for their future maintenance, many unhappy objects, afflicted with contagious distempers, or disabled from

labour by fickness, old age, and otherwise, and having no owners, prove dangerous, or become a burthen and nuisance to the several towns and parishes of this island: For remedy whereof, Be it fur-

ther enacted by the authority aforesaid, That the Justices and Vestrymen of the feveral towns and parishes in this island be empowered, support of dif- and they are hereby empowered, to lay a tax upon the inhabitants of ablednegroes, the faid several towns and parishes, in the same manner as the parochial taxes are usually laid, for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, cloathing, medical care, and attendance, in the workhouses, or other convenient places of the faid feveral towns and parishes of this island, of such negro, mulatto, or other flaves, or other unhappy objects as aforefaid: And the magistrates respectively of such town and parish are

hereby empowered and required, upon application being made to

Juftices and Veftry to provide for the

How to be disposed of.

them, or either of them, to order all such objects as aforesaid to be removed and conveyed to the respective workhouses of each parish, where, if a flave, the former proprietor or proprietors, owner or owners, of such slave lived or resided; or, if a person of colour made free, where the person or persons who manumised or set free fuch person of colour resided before his decease, there to be lodged and taken care of as aforefaid: And the magistrates and vestries of the feveral towns and parishes, as aforesaid, are hereby empowered and required to make, from time to time, all such humane and salutary regulations, for the purposes aforesaid, as to them shall appear

necessary and expedient.

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XVI. And whereas it is absolutely necessary, that the slaves in this island should be kept in due obedience to their owners, and in due subordination to the white people in general, and, as much as in the power of the legislature, all means and opportunities of slaves committing rebellious conspiracies, and other crimes, to the ruin and deftruction of the white people, and others in this island, prevented, and that proper punishments should be appointed for all crimes to be by them committed: Be it further enacted by the authority aforesaid, That no flave hereafter shall be suffered or permitted on any day, No flave to Sunday excepted, to go out of his or her master or owner's planta- travelwithout a ticket. tion or fettlement, or to travel from one town or place to another, unless such flave shall have a ticket from his master, owner, employer, or overfeer, expressing particularly the time of such slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every Penalty on have so offending, to be recovered from the master, owner, employer, of slaves, who or overfeer, in a fummary manner, before any one Justice of the shall neglect. Peace, by warrant of diffress, complaint being made to him upon ticket. oath, unless the master, owner, employer, or overseer of such slave shall prove, upon oath, before any Justice of the Peace of the parish or precinct where such master, owner, employer, or overseer, may or thall live, or happen to be, that he did give the faid flave fuch ticket as aforesaid, or that such slave went away without his consent; and all and every fuch flave or flaves, fo travelling or going from one Slaves travelplantation or place to another, without such ticket as aforesaid, shall ticket, how be apprehended and committed to gaol, and, if without fuch confent punishable. or privity as aforefaid, there be whipped, not exceeding thirty-nine lashes, by order of such Justice, for his, her, or their offence in the premiles; and if such suffice shall retuse or neglect his duty, either Penalty on in causing the penalty to be forthwith levied, on complaint being Justices negmade to him as aforefaid, on the owner, overfeer, or any other per-duy berein. lon who shall suffer a slave, being under his or their direction, to go

1788.

out without a ticket as aforesaid, or shall not cause such punishments to be inflicted as are directed by this act, on any flave who shall go out without a ticket as aforefaid, every Justice so offending shall forfeit the fum of Five Pounds; any law, custom, or usage to the contrary notwithstanding.

Slaves to be allowed holidays.

XVII. And be it enacted by the authority aforefaid, That, for the future, all flaves in this island shall be allowed the usual number of holidays that were allowed at the several seasons of Christmas, Easter. and Whitfuntide: Provided, That, at any fuch respective seasons, no two holidays shall be allowed to follow or succeed immediately one after the other, except at Christmas, when they shall be allowed Christmas-Day, and also the day immediately succeeding; any law, custom, or usage to the contrary notwithstanding: And if any master, owner, guardian, or attorney of any plantation or fettlement, or the overfeer of such plantation or settlement, shall presume, at the feafons aforesaid, to allow any holidays to any flave belonging to any fuch plantation or fettlement, other than as directed by this act to be given, every person so offending shall forfeit the sum of Five Pounds.

Penalty on fuch as allow their flaves any holidays other than those above directed.

Slaves to be

allowed one

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XVIII. And whereas it hath been usual and customary with the planters in this island, to allow their slaves one day in every fortnight to cultivate their own provision-grounds, exclusive of Sundays, except during the time of crop; but the same not being compulsory, Be it further enacted by the authority aforesaid, That the flaves belonging to, or employed on, every plantation or fettlement, shall, over and fortnight, ex- above the holidays herein before-mentioned, be allowed one day in days, to culti- every fortnight to cultivate their own provision-grounds, exclusive of Sundays, except during the time of crop, under the penalty of Ten Pounds, to be recovered against the overseer, or other person having the care of fuch flaves.

Time allowed flaves for

XIX. And be it further enacted by the authority aforefaid, That every field-flave on fuch plantation or fettlement shall, on work-days, breakfaft, din- be allowed, according to custom, half an hour for breakfast, and two hours for dinner; and that no flaves shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning, or after the hour of seven at night, except during the time of crop, under the penalty of Ten Pounds, to be recovered against the overseer, or other person having the care of such slaves.

Penalty on unlawful affemblies of refpective properties.

XX. And be it further enacted by the authority aforefaid, That if fuch as fuffer any mafter, owner, guardian, or attorney of any plantation or fettlement, shall hereafter knowingly suffer any slaves to affemble together, flaves on their and beat their military drums, or blow their horns or thells, upon any plint tion, pen, or fettlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperie or

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prevent the same, by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said slaves, every such matter, owner, guardian, or attorney, shall, for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or Courts of Affize, pay a fine of Fifty Pounds to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof: Provided nevertheless, That information of such offence shall be made upon oath, before any of his Majesty's Justices of the Peace, within the space of five days after the commisfion of fuch offence.

XXI. And be it further enacted by the authority aforefaid, That all Officers, civil officers, civil and military, shall be, and are hereby, empowered and or military, to enter any required to enter into any plantation, settlement, or other place, to plantation, fuppress and prevent all unlawful drumming, and other noise or con- press unlaw course of negroes as before-mentioned; any law, custom, or usage of flaves.

to the contrary notwithstanding.

XXII. And whereas it has been found by experience, that rebellions have been often concerted at negro dances, and nightly meetings of the flaves of different plantations, when such flaves are generally intoxicated; and it has been found also, that those meetings tend much to injure the healths of negroes: Be it therefore enacted by the authority aforesaid, That if any overseer, or, in his absence, any Overseers, &c. book-keeper or other white person, having the care and management who suffer of any plantation or fettlement, shall knowingly suffer any slaves to fuch affemaffemble together, and beat their military drums, or blow their horns imprisoned. or shells, every such overseer, book-keeper, or other white person so offending, shall, for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or before the Justices of Assize, suffer six months imprisonment, without bail or mainprise; provided information is made, upon oath as aforesaid, before one of his Majesty's Justices of the Peace, within five days after the commission of such offence: And provided always neverthe- Provise. less, That nothing herein contained shall be construed to prevent any master, owner, or proprietor of any plantation or settlement, or the overseer thereof, from granting liberty to the slaves of such plantation or settlement only, for assembling together upon such plantation or fettlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns, or shells; but that they shall and may grant such liberty, when and as often as they please, any thing in this, or any other act, to the contrary notwithflanding.

XXIII. and be it further enacted by the authority aforesaid, That

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all slaves who shall hereafter be found to have in his, her, or their custody any fire-arms, gunpowder, slugs, or ball, such slave being thereof convicted before two Justices, shall suffer such punishment as the faid Justices shall think proper to inslict, by whipping or hard labour in the workhouse, not exceeding the term of fix months; unless such flave shall give a satisfactory account thereof, or shall have a ticket or tickets from his, her, or their owners, masters, overseers, or employers, expressing the reason of his being so armed; and that no ticket, so given as aforesaid, shall continue or be in force for more than fourteen days. XXIV. And be it further enacted by the authority aforesaid, That

Slaves offering violence to any white person, how punishable.

Punishment

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them, or in the lawful defence of their owners persons or goods. XXV. And be it further enacted, That any flave or flaves who shall on flaves har. knowingly harbour or conceal any runaway flave or flaves, shall, on bouringstaves. conviction before two Justices, suffer such punishment as the court shall think proper to inflict.

if any flave shall offer any violence, by striking or otherwise, to any

white person, such slave, upon due and proper proof, shall, upon

conviction, be punished with death, or confinement to hard labour

for life, or otherwise, as the court shall, in their discretion, think

proper to inflict; provided fuch striking or conflict be not by com-

mand of his or their owners, overfeers, or persons entrusted over

XXVI. And whereas it is very dangerous to the peace and fafety of this island, to suffer slaves to continue out as runaways, and it is absolutely necessary to declare and make known to the public what tance of eight flaves shall be deemed such: Be it therefore further enacted by the authority aforesaid, That, from and after the first day of January aforesaid, any flave or flaves who shall be found at the distance of eight miles from the house, plantation, or other settlement, to which he, she, or they belong, without a ticket or other permit to pass, except on a Sunday, shall be deemed a runaway.

Perfone apprehending runaway faves, how to be rewarded.

XXVII. And be it further enacted by the authority aforesaid, That any perion whatsoever who shall apprehend such slave or slaves shall, for every one so apprehended, be entitled to receive from the owner, employer, overfeer, or manager of fuch flave or flaves, the fum of ten shillings, and no more, besides mile-money, at the rate of one shilling per mile for the first five miles, and fixpence per mile afterwards; provided such slave or slaves had absented him, her, or themfelves fix days, without the privity, knowledge, or confent of the proprietor, overfeer, or other white person residing on the plantation or fettlement to which fuch flave or flaves shall belong; which time of absence of such slave or slaves shall be declared on the oath of such

proprietor, overfeer, or other white person as aforesaid, if the party

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taking up such slave or slaves shall require it: But it is the true intent and meaning of this act, that every person or persons who shall apprehend any flave or flaves that usually refide in, or are employed in, any of the towns of this island, and that at the time are actually run away or abient from their owner, employer, or manager's fervice fix days, shall be entitled to the reward of ten shillings, although the flave or flaves fo taken up should not be eight miles distant from their

employer's habitation.

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XXVIII. And be it further enacted by the authority aforefaid, That How Baves, the person or persons so apprehending such slave or slaves shall con- apprehended vey him, her, or them to their respective owner, employer, or ma- are to be disnager, or to the workhouse of such parish, if any workhouse is esta- posed of. blished there; and in case of there being no workhouse, to the next gaol, in case the owner, employer, or manager of such slave or slaves shall refuse to pay the said sum of ten shillings, and mile-money as aforefaid, or take the oath as to the time of absence; in which case, the gaol or workhouse keeper is hereby required and ordered to receive such flave or slaves into his or their custody, and to pay the party delivering such slave or slaves the said sum of ten shillings, and mile-money as aforesaid, and no more, for each slave so delivered, under the penalty of Five Pounds: Provided nevertheless, That if such flave or flaves is or are brought to any gaol or workhouse by any white person, free negro, free mulatto, or free Indian, no gaoler or workhouse-keeper shall pay such sum, before such person shall have taken an oath, that the flave or flaves so apprehended was or were at the reputed distance of eight miles from the house, plantation, or settlement to which such slave or slaves do belong, except as before is excepted, and that fuch flave or flaves had no ticket or other permit in writing from his mafter, miftress, overseer, employer, or manager, at the time such flave or flaves was or were apprehended, for him, her, or them to pass unmolested, and that the said slave or slaves had been carried first to the owner, employer, or manager of such slave or flaves, provided fuch owner, employer, or manager shall be in the parish in which such slave or slaves shall be apprehended, and that Tickets given the master, mistress, overseer, or manager, had refused to pay for to saves to the apprehending him, her, or them, according to the intent and longer time meaning of this act; and that no ticket shall be granted to any slave than a kalenor flaves for any time exceeding one kalendar month.

XXIX. And, that it may be publicly known in the respective pa- Peralty on rishes what slaves are runaway, be it further enacted by the authority of flaves not aforesaid, That every owner or owners, employer or employers of giving in an haves, under the penalty of Five Pounds for every offence, shall, by their runahim, her, or themselves, or by the overseer or manager of their re- ways to the

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spective plantations or settlements, within the first ten days of the months of March, June, September, and December, in each and their respectives; every year, deliver or cause to be delivered, to the Custos or any magistrate of their respective parishes, an account upon oath, which oath any magistrate is hereby empowered and required to administer, of the number of flaves run away from him, her, or them, or from his, her, or their respective plantations or settlements; in which account shall be inferted the names of fuch slaves, and the time when Cuftos, &c. for each flave shall have been absent or run away: And every magistrate is not transmit- hereby required, under the penalty of Ten Pounds, to transmit such to the Clerk of accounts as shall be delivered in to him, to the Clerk of the Vestry, by the twentieth day of the months herein before-mentioned; and faid Clerk, for the faid Clerk of the Vestry is hereby directed and required, under the penalty of Five Pounds, to enter such accounts in a book to be kept by him for that purpose, and, at the quarterly meeting of the Justices and Vestry, to lay the same before them.

XXX. And be it further enacted by the authority aforefaid, That, on the twenty-eighth day of December in every year, the time of giving in as aforefaid, or within thirty days after, the owner, overfeer, or manager of every plantation, pen, or fettlement, shall give in on oath an account of all the births and deaths of the flaves of fuch plantation, pen, or fettlement, for the preceding year, under the penalty of Fifty Pounds, to be recovered from the owner of such plan-

tation, pen, or other fettlement.

XXXI. And be it further enacted by the authority aforefuld, That, if the not giving in upon oath such several accounts shall be owing to give in, as to the neglect of the overseer or manager of such plantation, pen, or aforefaid, the other settlement, it shall and may be lawful for the owner, proprietor, or possessor of fuch plantation, pen, or other settlement, to stop and detain the penalty he or she shall suffer by this law, out of the

wages of such overseer or manager.

Surgeons on plantations, to Vekry an account of may die, expreffing the nature and caufes there-

XXXII. And be it further enacted by the authority aforesaid, That the doctor or furgeon of every plantation, pen, or other fettlement, &c. to give in shall, on the twenty-eighth day of December, in every year, the time of giving in as aforefaid, or within thirty days after, give in fuch flaves as an account, on oath, of the deaths of fuch flaves as have died in the preceding year, or during fuch time as fuch doctor or furgeon hath had the care of the flaves on fuch plantation, pen, or other fettlement, with the cause of such deaths, to the best of his knowledge, judgment, and belief, under the penalty of Twenty Pounds for every Overfeers to neglect: And, in case it shall appear to the satisfaction of the Justices be allowed and Vestry, from the return of the owner, overseer, or manager aforeflave born on faid, that there has been a natural increase in the number of slaves

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Owners, &c. to give in an account of the births and deaths of flaves annually.

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on any fuch plantation, pen, or other fettlement, the overfeer shall be entitled to receive from the owner or proprietor of such plantation, pen, or other fettlement, the fum of Twenty Shillings for ment, and aevery flave born on such plantation, pen, or other settlement, in the liveatthetime time aforefaid, and which thall be then living; and the owner or proprietor of such plantation, pen, or other settlement, shall have a deduction from the first of his or her public taxes that shall become due, of the fum to paid to the overfeer, on producing a certificate of the Justices and Vestry of such increase, and a receipt of the

overfeer for the fum fo paid.

XXXIII. And whereas, the more effectually to conceal a runaway flave, or prevent his being apprehended, tickets are given by free negroes, free mulattoes, or Indians: Be it further enacted by the authority aforesaid, That any free negro, mulatto, or Indian, granting Penalty on or giving fuch ticket, with fuch intent, shall be deemed guilty of free negroes, &c. graning forgery, and shall be liable to be tried for the said offence before the falle tickets Supreme Court of Judicature, or in either of the Courts of Affize in to flaves. this island where the offence shall be committed; and, on conviction, shall suffer the loss of freedom, transportation, or such other punishment as the court, in their discretion, shall think proper to inflict.

XXXIV. And be it further enacted by the authority aforefaid, That White perif such ticket shall be granted or given by any white person, with sons granting such tickets, fuch intent as aforesaid, to any slave or slaves, before or after his or how punish. their absenting themselves from their owner, employer, overseer, or ablemanager, fuch white person shall be deemed guilty of forgery, and shall be liable to be tried for the same before the Supreme Court of ludicature, or either of the Affize-Courts of this island where the offence shall be committed; and, on conviction, shall suffer such punishment as the court, in their discretion, shall think proper to inflict.

XXXV. And, to the end that the owners and proprietors of runaway flaves may have a due knowledge where fuch flaves are confined, after their being apprehended and fent to any workhouse or gaol in this island, in order that such owners and proprietors may apply for such flaves, be it further enacted by the authority aforesaid, I hat, Keepers of from and after the first day of January aforesaid, all and every the houses to adkeepers of the workhouses, or gaol-keepers in any of the parishes of vertise the this island, shall, and they are hereby obliged, once every week, to all runaways advertise in the Gazette of Saint Jago de la Vega, the Royal Gazette in their custos of Kingston, and the Cornwall Chronicle, the height, names, marks, and fex, and also the country where the same can be ascertained, of each and every runaway flave then in their custody, together with the time of their being fent into custody, and the name or names of the owner or owners thereof, if known, and that upon

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and to detain fuch fliver. until they be paid their feet.

Jailers or workhoufe. keepers to atteft, upon oath, the charges for mile-money, Are.

and to give daily to every a fufficient quantity of previñoss.

Renaway Saves, remaining in any gaol or workhoufe 12 months, bow to be disposed of oath, under the penalty of Ten Pounds for every flave so neglected by him to be advertised; and, for the expense of such advertisement, they the faid workhouse-keepers or gaol-keepers shall and may, and they are hereby authorised, to charge the owner or proprietor of such run way flaves, fo advertised, at and after the rate of one thilling and three-pence per month for each paper, and no more; and that it shall and may be lawful for the keeper of the workhouse or gaol keeper to detain and keep in his or their custody such runaway save or flaves, fo brought unto him or them, until the owner or owners thereof, or some person on their behalf, properly authorised, shall pay unto him or them what he or they so paid to the person or perfons who apprehended and brought fuch flave or flaves into custody, with two thillings and fixpence in the pound for laying out his or their money, the cost of advertising, after the rate above-mentioned, and fixpence for every twenty-four hours fuch flave or flaves shall have been in custody, and also the charges of advertising above directed, and no other fees whatever; and that the gaoler, workhousekeeper, or supervisor, and no other person, shall attest, upon oath, that the charges in the account for mile-money, and the reward for apprehending such slave, were actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to this law.

XXXVI. And be it further enacted by the authority aforesaid, That the keeper of every workhouse or gaol in this island shall, under flave confined the penalty of Ten Pounds for every neglect, provide and give to every flave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions daily; that is to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight fullgrown plantains, or eight pounds of cocoas or yams, and also one herring or shad, or other salted provisions equal thereto.

> XXXVII. and be it further enacted by the authority aforefaid, That all flaves who shall have been twelve kalendar months in any gaol or workhouse, and shall have been advertised in the manner directed in this act, and no person having appeared to claim and pay the fees of such flave or flaves, that then the fees of such flave or flaves shall be paid by the Receiver-General, and such slave or slaves shall be tent into the county-towns, there to be worked in chains with the other workhouse-negroes; and that it shall and may be lawful for the owner of such flave to claim him or her at any subsequent mit period, and, on proving his or her property, to the fatisfaction of one any Judge of the Grand Court, or any two magistrates, such owner and that recover such flave, paying to the Receiver-General such sum of duri

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money as he actually paid to the gaoler or workhouse-keeper, at the expiration of the faid term of twelve months; and that faid workhouse-keeper be empowered to hire out such slaves, and that the profits arising from such hire be applied, in the first place, to the maintenance of fuch flave, in the same manner as the other workhouse-negroes are maintained, and the remainder of such hire be paid annually to the Receiver-General, to affift in reimburfing the fees paid by him for such flaves as may never be claimed: Provided alfo, That such workhouse-keeper be obliged to give the Receiver-General, on or before the twentieth day of every January after the ensuing year, a regular account, upon oath, of the profits arising from the hire of such slaves to the thirty-first day of December of the year preceding, under the penalty of Twenty Pounds for each and every flave he shall omit or neglect to give such account of, to be recovered in a fummary manner, by a warrant from any magistrate, and paid to the Receiver-General, and by him to be applied to the credit of the account of fees paid by him for fuch flaves, and that the faid workhouse-keeper be entitled to five pounds per centum on the gross amount of the hire of such slaves.

XXXVIII. And be it further enacted by the authority aforefaid, That Runawayo where any runaway flave or flaves shall die in the custody of any such within 12 workhouse-keeper or gaol-keeper, at any time within twelve kalen- months, their der months aforesaid, and the owner or owners, employer or em- by the public. ployers, of such runaway slave or slaves so dying cannot be known, such workhouse-keeper or gaol-keeper shall, in such case, be entitled to receive all such fees as shall be due to him or them for such slave or flaves, at the time of his or her death, from the public, upon application and due proof, made in the most solemn manner, to the affembly, or any committee thereof, that such workhouse-keeper or gol-keeper had used his utmost endeavours to find and know the owner or owners, employer or employers of fuch flave or flaves fo dying, and could not; and that such slave or slaves, during the time they were in the custody of such workhouse-keeper or gaol-keeper, was or were found and provided with proper and sufficient provisions pay equal to what is allowed by this law.

XXXIX. and be it further enacted by the authority aforefail, That Gaol keepers flaves no gaol-keeper in this island, or any person acting under him as clerk not to hire out hains or deputy, shall, on any pretence whatsoever, work or employ any other flives law- have or flaves fent to his custody as a runaway, or otherwise com- their custody. quent mitted by a magistrate, upon any plantation, pen, or settlement, beon of longing to or in the possession of any such geol-keeper, nor hire or

owner and fuch flave or flaves out to work for any other person or persons, turn of during such time such slave or slaves shall be in his custody; but that

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all fuch flaves shall be and remain in the common gaol of the county or parish, in order to be inspected by any person or persons defiring the same; and in case any gaol-keeper shall offend herein he shall, for every offence, forfeit the sum of Fifty Pounds.

Slaves min a-To be tried and punified at of two Juflices.

XI. And be it further enacted by the authority aforefaid, That all way 6 months flaves who shall have been in this island for the space of two years. and shall run away and continue abient for the term of fix months. the difference shall be liable to be tried by two lustices; and, upon conviction thereof, fuch flave or flaves shall suffer such punishment as the faid

Justices shall think proper to inflict.

XLI. And, in order to prevent the many mischiefs that may hereafter arife from the wicked art of negroes going under the appellation of Obeah men and women, pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from any evils that might otherwise happen: Le it therefore enacted by the authority aforesaid, That, from and after the first day of January aforetaid, any slave who shall pretend to any supernatural power, in order to affect the health or lives tural power, of others, or promote the purposes of rebellion, shall, upon convicor convided tion thereof, fuffer death, or such other punishment as the court shall in the practice tion thereof, fuffer death, or such other punishment as the court shall of obeah, how think proper to direct; any thing in this or any other act to the contrary in anywife notwithstanding.

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XLII. And be it further enasted by the authority aforesaid. That blave admi- if any negro or other flave shall mix or prepare, with an intent to give, or cause to be given, any poison or poisonous drug, or shall actually may not have give, or cause to be given, any such posson or possonous drug, althe effect to though death may not enfue upon the taking thereof, the faid flave or flaves, together with their accessaries, as well before as after the fact, being flaves, being daly convicted thereof, hall fuffer death, or be confined to hard labour for life, as the court shall determine; any thing in this or any other ast to the contrary notwithstanding.

XLIII. and whereas great numbers of horned cattle, sheep, goats, horses, mares, mules, and affer, are frequently stolen and killed by negro and other flaves, in fo fecret and private a manner, that it is with the greatest difficulty they can be found out and discovered, in fuch manner as to convict them of fuch offence, although large quantities of beef, mutton, and the flesh of other valuable animals are found upon him, her, or them: In order, therefore, to prevent fuch evils in future, and to punish the perpetrators of such acts, agreeably to their crimes, Be it further enacted by the authority afore-Slaves having faid. That if any negro or other flave shall fraudul ntly have in his,

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owner, overfeer, or other person who shall have the overlooking or employing of such flave, any fresh beef, veal, mutton, or goat, or the fleth of horse, mare, mule, or als, in any quantity exceeding meat, unfive and not exceeding twenty pounds weight, fuch negro or other known to flave, upon due conviction thereof before any two magistrates, shall &c. how pube whipped in such manner as such magistrates shall direct, not ex- nishable. ceeding thirty-nine lashes; and if there shall be found in his, her, or their custody or possession a larger or greater quantity than twenty pounds weight of fresh beef, veal, mutton, or goat, or the flesh of horse, mare, mule, or ass, and such slave shall not give a satisfactory account how he or the became possessed of such meat, that then such negro or other flave, upon conviction thereof, shall suffer such punithment as the said two Justices shall think proper to direct, not extending to life, or imprisonment for life.

XLIV. And be it further enacted by the authority aforefaid, That Slaves healif any negro or other flave shall, after the first day of January afore- cattle how to faid, steal any such horned cattle, sheep, goat, horse, mare, mule, be punished. or als, or shall kill any such horned cattle, sheep, goat, horse, mare, mule, or als, with intent to steal the whole carcase of any such horned cattle, sheep, goat, horse, mare, mule, or ass, or any part of the flesh thereof, such negro or other slave shall, on conviction thereof, suffer death, or such other punishment as the court shall

think proper to inflict.

XLV. And whereas it is necessary to declare how and in what manner flaves shall be tried for the several crimes which they may hereafter commit; Be it enacted by the authority aforesaid, That, from Slaves guilty and after the first day of January aforesaid, upon complaint made to how to be my Justice of the Peace of any felony, burglary, robbery, burning tried. of houses, cane-pieces, rebellious conspiracies, compassing or imagining the death of any white person or persons, or any other offence what soever committed by any flave or flaves, that shall subject such lave or flaves to fuffer death or confinement to hard labour for life, such Justice shall issue out his warrant for apprehending such offender or offenders, and for all persons to be brought before him, or any other Justice of the Peace, that can give evidence; and the evidence of flaves against one another, in this and all other cases, shall be recived: And if, upon examination, it appears probable that the flave or flaves apprehended is or are guilty, the Justice before whom such examination shall be had and taken shall commit him, her, or them to prison, and bind over the witnesses to appear at a certain day, not kis than ten days from the day on which the complaint shall be made, and at the place where the quarter-fessions are utually held, and, where there are no quarter-fessions held, at the place where the

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parochial business is usually transacted, and shall certify to two other Justices of the Peace the cause of such commitment, and require them, by virtue of this act, to affociate themselves to him, which fuch Justices are hereby severally required to do, under the penalty of Twenty Pounds for every neglect or refusal; and the said Justices, so affociated, shall iffue out their warrant to summon twelve persons, fuch as are usually warned and empanelled to serve on juries, (the master, owner, or proprietor of the slave or slaves so complained of, or the attorney, guardian, truftee, overfeer, or book-keeper of fuch master, owner, or proprietor, or the person prosecuting his or her attorney, guardian, truftee, overfeer, or book-keeper, always excepted,) personally to be and appear before the said sustices, at the day and place aforesaid, to be expressed in such warrant, and between the hours of eight and twelve in the forenoon, when and where the faid persons so warned are hereby severally required to attend, under the penalty of Five Pounds, and when and where the faid Justices shall cause the said slave or slaves so complained of to be brought before them; and thereupon nine of the faid persons so summoned as aforefaid shall compose a Jury to try the said slave or slaves, and shall by the said Justices be sworn to try the matter before them, and to give a true verdict according to evidence; and the charge or accusation being read, which shall be deemed valid, if sufficient in substance, if the faid jurors shall, upon hearing the evidence, unanimously find the faid flave or flaves guilty of the offence wherewith he, she, or they stand charged, the said Justices shall give sentence of death without benefit of clergy, or confinement to hard labour for life, or for any limited time, according to the nature of the offence, and shall cause such sentence to be carried into execution, and at fuch time and place as they shall think proper, (women with child only excepted, whose execution shall be respited until after delivery:) Provided always nevertbeless, That, at every Court of Quarter-Seffions held in each and every parish or precinct within this island, the Justices there assembled shall and may, after the usual to business of the said court shall be done, form themselves into a court, for the purpose of enquiring into, hearing, and determining all manner of offences for which any flave or flaves are liable to be punished that with death, or confinement to hard labour for life, and shall open len the faid court by proclamation, declaring the same to be a slave-court that for fuch purpose, and shall thereupon, on the like charge in writing, and and in like manner in all other respects as the three Justices associated nal and met as herein before-mentioned are, by this act, directed to proceed in the trial of flaves for such offences, proceed to try and deliyer the gaol or workhouse, within the said parish or precinct, of all The and one 18.

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and every flave and flaves who shall or may then be in the custody of the marshal or keeper of the workhouse, within each and every parish or precinct as aforefaid, and shall forthwith cause a Jury, confishing of nine jurors, to be called and taken from the panel returned to the faid Court of Quarter-Sessions, and shall cause them to be severally fworn, as they shall appear, to try all and every such slave and slaves as shall be brought before them, charged with any such offences as aforesaid, and a true verdict give according to evidence, as in other

XLVI. And be it further enacted by the authority aforesaid, That Jurers to all and every the jurors who shall be returned to serve as jurors at the serve at slavequarter-sessions, to be holden as aforesaid, are hereby required, under the penalty of the penalty of Five Pounds, to be and appear at the faid flave-court, st. so to be formed and holden as aforesaid, and to serve as jurors thereon as they shall respectively be called: Provided also, That nothing in Slaves to be this act contained shall hinder or prevent the said Justices, upon any thepleasure of such trial where any slave or slaves shall be condemned to die, from the Commander in Chief respiting the execution of such sentence for any term not exceeding is known. thirty days, or until the pleasure of the Commander in Chief shall be known, in case proper cause shall appear to them for so doing; and that if the Jury, upon any fuch trial, shall apply to the said Justices to suspend the execution of any sentence until the pleasure of the Commander in Chief is known, the said Justices shall-be obliged to suspend the same for thirty days, except in cases of trial of any have or flaves convicted of actual rebellion; in all which cases the aid Justices shall, if they think it expedient, order the sentence pasled on such slave or slaves to be carried into immediate execution.

XLVII. And be it further enacted, That no less than three Justi- No less than ces shall constitute a court for the trial of any slave or slaves, for any three Justices crime or offence that shall subject such slave or slaves to suffer death form a court or confinement to hard labour for life; and that, upon all such trials, fives for cano peremptory challenges of any of the faid jurors, or any exception pital offences.

usual to the form of the indictment, shall be allowed.

XLVIII. And be it further enacted by the authority aforefaid, That, Executions to in all cases where the punishment of death is inflicted, the execution be in a public nished shall be performed in a public part of the parish, and with due so- parish, and open lemnity; and care shall be taken by the gaoler or deputy-marshal, with due so--court that the criminal is free from intoxication at the time of his trial, riting, and from thence to and at the time of his execution, under the peociated nalty of Five Pounds; and the mode of such execution shall be, hango pro- ing by the neck, and no other, and the body shall be afterwards disdelipoled of in such manner as the court shall direct: And provided also,
of all That where several slaves are capitally convicted for the same offence, and one only shall suffer death, except in cases of murder or rebellion.

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X.IX. And be it further enacted by the authority aforefaid, That in case any flaves or flaves shall wilfully, and with evil intent, give Slaves giving false evidence on any trial had under this act, such slave or slaves, how to be pu- being thereof convicted, shall suffer the same punishment as the perfon or persons on whose trial such false evidence was given would, if convicted, have been liable to suffer.

Penalty on affemblies of flaves at their houses, &c.

L. And be it further enacted by the authority aforesaid, That if any free negroes, free negro, mulatto, or Indian, shall hereafter knowingly suffer any ing unlawful unlawful affembly of slaves at his or her house or settlement, every fuch free negro, mulatto, or Indian shall, upon due conviction there. of, fuffer imprisonment, not exceeding fix months: Provided nevertheless, That information thereof shall be given, on oath, within five days of fuch unlawful meeting.

Clerk of the Peace to atflaves, and receedings.

LI. And be it further enacted by the authority aforesaid, That a record shall be entered up of all proceedings on the trials of slaves, for tend trials of any crime that shall subject any flave or flaves to suffer death or concord the pro- finement to hard labour for life, in a book kept for that purpose by the Clerk of the Peace, or his lawful deputy, of the precinct; who is hereby obliged to attend all fuch trials, and to record the proceedings within thirty days after such trial, under the penalty of Twenty Pounds for each neglect; and he shall be entitled to receive from the Churchwarden of such parish the sum of two pounds fifteen shillings, and no more, for attending each trial, entering up the record, and any other business incidental thereto: And further, that the deputy-marshal for the said parish, or some proper person acting under him, shall also be obliged to attend such trial, under the same penalty of Twenty Pounds for each neglect; and that he shall be entitled to receive from the Churchwardens of such parish forty shillings, for attending at the trial and execution of such offender as shall be condemned to die, and no more.

Sufficient nogiven to their

LII. And be it further enacted by the authority aforesaid, That, in tice of the trial all trials of any flave or flaves under this act, sufficient notice of such of flaves to be trial shall be first given to the owner, proprietor, or possessor of such owners, &c. slave or slaves, his, her, or their lawful attorney or attornies, or other representative or representatives; any law, custom, or usage to

the contrary notwithstanding.

Slaves given the owner, &c. and fento be valued by the Juftices, &c.

LIII. And be it further enacted by the authority aforesaid, That, in up for trial by all cases where any flave or slaves shall be put upon his, her, or their trial, and shall be sentenced to die or to hard labour during life in tenced to die, any of the workhouses of this island, the court, at the time of trying fuch flave or flaves, shall also enquire what sum or sums of money fuch owner, proprietor, or employer of the faid flave or flaves ought to receive for such slave or slaves, and certify the same, so that such

fum or fums of money do not exceed the fum of forty pounds for 1788. each flave executed or fentenced to hard labour during life, as aforefaid.

LIV. And be it further enacted by the authority aforesaid, That, in and such vaall cases where any flave or flaves shall be brought to trial, and shall paid by the be valued according to the direction of this act, fuch flave or flaves Receivershall be paid for by the Receiver-General of this island, out of any General.

monies in his hands unappropriated.

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LV. And be it enacted by the authority aforefaid, That if any Magistrates to flave or flaves, transported off this island under any former act, for rants to apany fault or crime, shall, at any time, wilfully return, upon com-prehend plaint made to any one Justice of the Peace, the said Justice, upon ing from view of the record, and the identity of faid flave being proved, he transportais hereby empowered and required, under the penalty of Fifty Pounds, immediately to iffue out a warrant, under his hand and feal. to any marshal or constable, forthwith to apprehend the said slave or flaves so returning, and commit them to any of the workhouses in this island, there to be confined to hard labour for life.

LVI. And whereas there are many inferior crimes and misdemeanors committed by flaves which ought to be punished in a summary manner, by order of the magistrates; Be it therefore enacted by the authority aforesaid, That, from and after the first day of January afore- Magistrates faid, it shall and may be lawful for any two Justices of the Peace to empowered to cause slaves hear and determine, in a fummary manner, all fuch crimes and mif- tobepunished demeanors, giving sufficient notice to the owner or proprietor of fuch crimes, &c. as flave or flaves, or his or her attorney or attornies, or the person hav- to their judging the care of such flave or flaves, of the time and place of trial, frem meet, and to order and direct such punishment to be inflicted on them as such Justices, in their judgment, shall think fit, not exceeding fifty lashes, or fix months confinement to hard labour; the expenses of which trial shall not exceed ten shillings to the constable, and shall be paid by the mafter, owner, or employer of fuch flave or flaves; and in case such master, owner, or employer of such slave or slaves shall refuse or neglect to pay such expenses, it shall and may be lawful for the faid Justices, or either of them, to issue his or their warrant, under his or their hand and seal, directed to any constable, for levying the same on the goods and chattels of such master, owner, or employer, and to fell the fame at public outcry, for the purpose of paying fuch expenses, together with the charges attending the granting and executing such warrant and sale of goods and chattels, returning the overplus, if any, to the owner thereof.

LVII. And whereas great advantages have arisen to the community from the establishment of workhouses in the respective parishes in

1788.

Workhousemand and take into their custody all runaways detained in gaels, on paying the gaolfees, &c.

this island, for the reception of runaway and other slaves; And whereas there are now many such slaves in the possession of the Provost-Marshal, or his lawful deputies, who might be employed in the workhouses in this island to great advantage; Be it therefore enacted by the authority aforesaid, That, from and after the first day of January next. keepers to de- it shall and may be lawful for the governors and guardians of the respective workhouses in this island, if to them it shall seem meet, to demand and receive from the Provost-Marshal, or his lawful deputies, all or any of the runaway negroes or other flaves in his or their posfession, or that may hereafter come into his or their custody or posfession, upon the said governors and guardians paying unto the Provost-Marshal, or his lawful deputies, the full amount of the fees, and other contingent charges attending the said runaway slaves, during the time of their being committed to gaol, agreeably to this or any former act; and the Provost-Marshal, and his lawful deputies, shall comply with fuch requisitions, under the penalty of Fifty Pounds.

Owners of flaves fentenced to the workhouse to be paid for their labour.

LVIII. And be it enacted by the authority aforesaid, That whenever any flave or flaves shall be sentenced to a workhouse for any time exceeding fix months, and short of confinement for life, the Justices shall value the time for which the said slave or slaves shall be sentenced to the workhouse, at a rate not exceeding five pounds per annum for fo long as the faid flave or flaves may live; which faid value shall be paid to the proprietor or proprietors of fuch flave or flaves, by the Churchwardens of the parish where the workhouse is situated, or to which the faid flave or flaves shall be sentenced to confinement, and the owner or owners of such flave or flaves, or of any flave to be confined for fix months, or any shorter time, shall not be liable to pay any fees for the time such slave or slaves shall be confined.

Magiftrates are not to commit runawaysto gaol, if a workhouse is in the parifi.

LIX. And be it further enacted by the authority aforesaid, That no runaway flave shall, on any account, be committed to gaol by any magistrate of a parish where there is any workhouse established, but to fuch workhouse only.

Horfes, &c. the property of flaves, to be taken up, and fold at the mon public place in the parich.

LX. And whereas the permitting and fuffering negro and other flaves to keep horses, mares, mules, asses, or geldings, is attended with many and great mischiefs to the island in general: In order, therefore, to remedy the same, Be it further enacted by the authority aforesaid, That, on or before the first day of January aforesaid, the master, owner, proprietor, attorney, guardian, executor, administrator, or other person in possession of every plantation or pen in this island, having on any such plantation or pen any horse, mare, mule, or gelding, the reputed property of any flave or flaves, knowing the fame to be such, shall cause them to be taken up, and shall produce them at the most public place in the parish where taken up, at such

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time as the Justices and Vestry shall, by advertisement in the public newspapers, appoint for that purpose, and that such horses, mares, mules, and geldings, be then and there fold and disposed of at public outcry; and if any master, owner, proprietor, attorney, guardian, executor, administrator, or other person as aforesaid, shall neglect or refule to doing, each and every of them shall, for every neglect or refusal, respectively forfeit the sum of Twenty Pounds, to be recovered in a fummary manner before any two Justices of the Peace for the parish or precinct where such neglect or refusal shall happen, by the oath of one or more credible witness or witnesses; which penalty shall be, one moiety to the use of the poor of the parish, and the other moiety to the person complaining.

LXI. And be it further enacted by the authority aforesaid, That, Penalty on from and after the first day of January aforesaid, no master, owner, steen permitproprietor, attorney, guardian, executor, administrator, or other per- ting them to fon in possession of any. plantation, pen, or settlement, shall know- keep horses, on their ingly permit or fuffer any flave or flaves to keep on fuch plantation, plantation, pen, or fettlement, any horse, mare, mule, or gelding; and, in case of fo doing, shall, for every offence, forfeit the sum of Twenty

Pounds, to be recovered in manner aforesaid.

LXII. And be it further enacted by the authority aforesaid, That Persons givevery master, owner, proprietor, attorney, guardian, executor, ad- ing in an account of ministrator, or other person, at the respective times of their giving saves, &c. to in an account of their flaves and stock to the Justices and Vestry, that none of shall also make oath, that none of the said horses, mares, mules, or which begeldings, so given in, do belong to any negro or other slave; and slave. that such person so giving in, or his, her, or their employer or employers, hath not, nor have, in his, her, or their possession, to his, her, or their knowledge or belief, any horse, mare, mule, or gelding belonging to, or reputed to belong to any flave or flaves; and in case any person or persons shall neglect or refuse so to do, every perion so neglecting or refusing shall, for every offence, forfeit the sum of Twenty Pounds; to be recovered in the same summary manner, and to be disposed of as herein before-mentioned.

LXIII. And be it further enacted by the authority aforefaid, That, Slaves not alfrom and after the first day of January aforesaid, no negro or other lowed to have in this island shall purchase or buy any horse, mare, mule, or horses, &c. gelding, under the penalty of forfeiting such horse, mare, mule, or gelding, and to be disposed of as herein before mentioned: And if Penalty on mule, any person whatsoever shall sell or give any horse, mare, mule, or ing or giving gelding, to any negro or other flave, or to any person in trust for such tock to luch negro or other flave, every such person shall, for every such fuch horse, mare, mule, or gelding, so sold or given, forfeit the sum of

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Twenty Pounds; and every person who shall purchase, or be concerned in the purchase, of any horse, mare, mule, or gelding, in trust for any negro or other flave, shall forfeit the fum of Twenty Pounds; which faid penalties shall be recovered in the same summary manner, and disposed of as herein before-mentioned; any law, custom, or usage to the contrary in anywise notwithstanding.

Penalty on owners, &c. for concealing flaves against whom warrants are iffued.

LXIV. And be it further enacted by the authority aforefaid, That in future, whenever a warrant shall be granted by one or more of his Majesty's Justices of the Peace against any slave, if the said slave cannot be immediately taken on the faid warrant, the owner, possessor, attorney, guardian, or overfeer of fuch flave shall be served with a copy of the faid warrant; and if he, she, or they, do not carry the faid flave before a magistrate, to be dealt with according to law on the faid warrant, and if it shall be afterwards proved that the owner. possessor, attorney, guardian, or overseer of such slave, wilfully detained or concealed said slave, he, she, or they shall forfeit the sum of One Hundred Pounds.

LXV. And whereas feveral flaves have lately found means to defert from their owners, and depart from this illand, to the great damage of such owners, in evil example to other slaves, who may thereby be induced to attempt or conspire to do the same: And whereas there is reason to suspect, that such slaves have been aided and affifted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such desertion and departure, or attempting or conspiring to desert and depart this island, or for persons aiding, assisting, or abetting such deserters: For remedy whereof, Be it further enacted by the authority aforefaid, That, from and after the first day of January aforesaid, if any slave conspiring to shall run away from his, her, or their owner or owners, employer or employers, and go off, or conspire or attempt to go off this island in any ship, boat, canoe, or other vessel or craft whatsoever, or be ting others in aiding, abetting, or affifting to any other flave or flaves in fuch going off this island, he, she, or they so running and going off, or conspiring or attempting to go off, or so aiding, affisting, or abetting in lov fuch going off, being duly convicted before the quarter-sessions, so shall suffer death, or such punishment as the said court shall think proper to direct.

Slaves attempting or depart this ifland, or aiding or abetting others in puniable.

Penalty on free people for affifting flaves in going off the Band.

LXVI. And be it further enacted by the authority aforefaid, That has if any negro, mulatto, or Indian, of free condition, shall, on or after the first day of January aforesaid, knowingly be aiding, assisting, or abetting any slave or slaves in going off this island, and shall to be convicted thereof, either in the Supreme Court or in any of the fair Affize-Courts of this island, such negro, mulatto, or Indian, of free this

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condition, shall be forthwith transported off this island by the Provost-Marshal-General, or his lawful deputy, into whose custody such person or persons shall be committed; and if such person or persons. to convicted, sentenced, and transported, shall afterwards be found at large in this island, he, she, or they, being thereof convicted before the Supreme Court of Judicature or Courts of Affize in this island, shall

LXVII. And be it further enacted by the authority aforesaid, That Penalty on if any white person or persons shall knowingly be aiding, affisting, white persons or abetting any flave or flaves, in going off this island, he, she, or betting flaves they, being convicted thereof by bill, plaint, or information in the to so off the Supreme Court of Judicature, or Courts of Assize, shall forfeit the fum of One Hundred Pounds for each flave; one moiety whereof shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also fuffer imprisonment, at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprife.

LXVIII. And be it further enacted by the authority aforesaid, That Persons to of it shall and may be lawful to proceed against the person or persons so fending to be aiding, affifting, or abetting such slave or slaves in going off this gainst, although whether the principal arministration of the gainst, although the principal arministration of the gainst, although the principal arministration of the gainst, although the gainst a island, whether the principal or principals be convicted or not; any the principals thing in this, or any other act, law, custom, or usage, to the con-victed.

trary notwithstanding.

LXIX. And whereas the overseers of estates in this island make a frequent practice of leaving the several estates under their care and management, on the respective seasons allowed for negro holidays. thereby many dangerous meetings and pernicious practices are carried island on: In order, therefore, to prevent the like for the future, Be it enor be seled by the authority aforesaid, That if any overseer in this island Overseers not going shall absent himself from the estate under his care and management, to leave the on any of the particular holidays herein before-mentioned to be al-their care on ing in lowed to flaves, without leave of his employer, every such overseer negre holidays. So offending shall, for every offence, forfeit the sum of Five Pounds, think to be recovered by information, upon oath, before any Justice of the Peace, in a summary way, in the parish where such offence shall That happen; any law, custom, or usage to the contrary notwithstanding. on or LXX. And whereas many inconveniences have arisen from slaves affift- going about this island, under the pretence of being free: In order of the aid, That the Justices and Vestry in each respective parish within Free people of free this island shall, within three months after the commencement of togive in their dition, this act, cause diligent enquiry to be made within their respective the manues parithes,

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parishes, as to the number of negroes, mulattoes, or Indians, of free condition, and cause them to be warned to attend at their next meeting, and give an account of what manner they obtained their freedom, that their names, and manner of obtaining their freedom, may be registered in the Vestry-books of such parishes, and that those not having certificates shall receive a certificate of their freedom from the Clerks of fuch Vestries respectively; which certificate they are hereby obliged to have attested under the hand and seal of the Commander in Chief for the time being, within three months from the date thereof, under the penalty of fix weeks imprisonment in the workhouse; which certificate shall, by the Commander in Chief for the time being, be so attested without see or reward: And that such certificate of the freedom of any negro, mulatto, or Indian, as well those now free as those who may hereafter become free, shall, by fuch free negro, mulatto, or Indian, be produced to the Justices and Vestry on the twenty-fifth day of March in each year, or on the first vestry-day after that day, to be by them inspected, under the penalty of Forty Shillings on each negro, mulatto, or Indian, for each neglect; which certificate, so to be attested under the hand and seal to carry about of the Commander in Chief, as aforesaid, such negroes, mulattoes, eate, and wear or Indians shall, and they are hereby obliged, constantly to carry about them, and shall also be obliged to wear the badge of their freedom, under the penalty of Ten Pounds for every neglect; free negroes, mulattoes, or Indians, possessed of a real estate, or claiming any privileges or immunities, by virtue of any law of this island, excepted.

Free people the badge of their freedom.

LXXI. And be it further enacted by the authority aforefuld, That pree people if any fuch negro, mulatto, or Indian, shall neglect to attend the the Veftry, as Vestry of each respective parish, as aforesaid, in order to shew their right to freedom, after having been warned five days at the leaft (fuch warning to be attested on oath by the person serving the same), shall, on not shewing sufficient cause for his or her non-attendance, be, by warrant under the hand and feal of any one of his Majesty's Justices of the Peace where such offender resides, taken up, and committed to gaol for a space not exceeding one month.

aforefiid, to thew their right to freedom, how punishable.

> LXXII. And be it further enacted by the authority aforefaid, That if any negro, mulatto, or Indian, as aforesaid, shall be obliged, towards the proof of freedom, to make fearch, in pursuance of this act, of his or her title, in any office of this island, the charge of fuch fearch or fearches shall be made good to him or her by the parith where he or the refides.

Expense of fearches tor vouchers of freedom, to be paid by the parifh.

LXXIII. And be it further enacted by the authority aforesaid, That Martial law marrial law it shall and may be lawful for the Justices aforesaid, and they are hereby

hereby required, to do their feveral and respective duties under this act when martial law shall happen to be in force, as they might or ought to have done if martial law were not subsisting; any law, doing their custom, or usage to the contrary thereof notwithstanding.

LXXIV. And be it further enacted by the authority aforefaid, That it shall not be lawful for any Justices of the Peace, sitting on the trial be mutilated of any flave or flaves, or otherwise, to sentence or order any flave to ormaimed for any offence

be mutilated or maimed for any offence whatfoever.

LXXV. And be it further enacted by the authority aforesaid, That Penalty on if the Provost-Marshal, or any of his lawful deputies, or any lawful marshals and constable, shall willingly or negligently suffer any slave or slaves to wilfully sufescape, who shall be committed to his or their custody for any of- fering saves to escape. fence under this act, such marshal or constable who shall suffer such escape shall forseit the sum of Fifty Pounds, to the owner of such flave or flaves, for every flave fo escaping.

LXXVI. And be it further enacted by the authority uforesaid, That Slaves not to no negro or other flave shall be allowed to hunt any cattle, horses, lances, guns, mares, mules, or asses, in any part of this island, with lances, guns, &c. except in cutlasses, or other instruments of death, unless in the company of of their his or their master, overseer, or some other white person by him or owner, &c. them deputed, or by permission in writing; and if any negro or other flave shall offend, contrary to the true intent and meaning of this act, he or they, being thereof convicted before two Justices, shall suffer

fuch punishment as they shall think proper to inflict.

LXXVII. And be it further enacted by the authority aforefied, That Confignees, no merchant, factor, supercargo, or consignee of any cargo of slaves, act of slaves, not to fell fuch arriving in any of the ports of this island, shall hereafter, under the on the phoard, but to provide penalty of One Hundred Pounds, expose such cargo to sale on board a proper enthe ship, or other vessel, in which the same is imported, but shall closure on procure or hire, or cause to be procured or hired, a proper place or enclosure ashore, wherein the said slaves shall be sold, taking care as and to endeafar as possible, in the sale thereof, not to separate the different branches separate relaof one and the same family.

LXXVIII. And be it further enacted by the authority aforesaid, Slaves com-That all crimes committed by flaves during the time the faid herein mitting before-mentioned act, entitled, " An Act to repeal several Acts, and vious to the Clauses of Acts, respecting Slaves, and for the better Order and Go-passing of this act, shall be vernment of Slaves, and for other Purposes," was in force, shall be tried and puheard, tried, and determined, and such flaves punished, in such man-nished as directed by the ner as was directed by the faid recited act, and as if the same was now law then in in full force; and for which purposes only the faid recited act shall force. be confidered as still in force.

LXXIX. And be it further enacted by the authority aforefaid, That

Justices, &c. duty under this law.

Slaves not to whatfoever.

Il w penaltes mall be disposed of.

all penalties in this act mentioned, and not already declared how they I shall be recovered and applied, shall, if not exceeding twenty pounds, be recovered in a summary manner before any two of his Majesty's recovered and Justices of the Peace, by distress and sale of the offender's goods and chattels; and, if exceeding twenty pounds, to be recovered in the Supreme Court of Judicature of this island, or in either of the Courts of Affize, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, or Non vult ulterius prosequi, shall be entered; one moiety of which penalties shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them who shall sue for the same.

Continuance of this act.

LXXX. And be it further enacted by the authority aforesaid, That this act, and every clause, matter, and thing therein contained, shall continue and be in force from the first day of January, which will be in the year of Our Lord one thousand seven hundred and eightynine, until the thirty-first day of December, which will be in the year of Our Lord one thousand seven hundred and ninety-one, and no longer.

Paffed the 6th of December.

An Act for vesting Six Hundred Acres of Land, in the Parish of Saint George, patented for a Glebe for the use of the Rector of the said Parish for the time being, in Trustees, in Trust as to Three Hundred Acres, Part thereof, to sell and dispose thereof, and to lay out the Money arising from such Sale in manner herein-mentioned; and as to the Remainder thereof, in Trust for the use of the Rector of the said Parish for the time being, and his Successors, Rectors of the Said Parish.

ACT 39. Preamble.

THEREAS his most gracious Majesty King George the Third, by his letters patent under the broad seal of this island, bearing date the fourteenth day of July, in the thirteenth year of his reign, did, for the confiderations therein mentioned, give and grant unto John Ellis, Thomas Hibbert, and Bryan Edwards, Efquires, their heirs and assigns, in trust for a glebe for the Rector of the parish of Saint George for the time being, three hundred acres of land in the faid parish, bounding north-westerly and westerly, south-east-

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erly and easterly, on Buff-Bay River; northerly on a large spring, being the boundary to the maroon negroes of Charles-Town; easterly on land surveyed at same time for the Honourable John Ellis, Thomas Hibbert jun. and Bryan Edwards, Esquires, in trust for a glebe; south-westerly on a spring running into Buff-Bay River; north on land patented by Reginald Wilson, then belonging to Course Cruick shape, and west on William Courses Cruick shape, and west on William Courses.

George Cruickshank; and west on William Cumming:

And whereas his said Majesty King George the Third, by other letters patent under the broad seal of this island, bearing date the said sourteenth day of July, in the said thirteenth year of his reign, did, for the considerations therein-mentioned, give and grant unto the said John Ellis, Thomas Hibbert, and Bryan Edwards, their heirs and assigns, in trust for a glebe for the Rector of the parish of Saint George for the time being, three hundred acres of land in the said parish, bounding north on land in the possession of Doctor Francis Ross; northerly and north-westerly on a spring; east on unsurveyed land; south on land patented by John Colbeck, then belonging to John M'Leod, Esquire; and westerly on land laid out at same time for the Honourable John Ellis, Thomas Hibbert junior, and Bryan Edwards, Esquires, in trust for a glebe; as in and by the said letters patent, of record in the Secretary's Office of this island, may appear:

And whereas the faid John Ellis hath fince departed this life, and the faid Thomas Hibbert is an absentee from this island, and resident

in the kingdom of Great-Britain:

And whereas great part of the faid glebe-land is at a great distance from where the church is intended to be built, and the same lies waste, uninclosed, and uncultivated, and is at present of very little or no

use or advantage to the Rector of the said parish:

And whereas it will greatly tend to the benefit and advantage of the Rector of the said parish for the time being, and of his successors, Rectors of the said parish, that three hundred acres of land, part of the said six hundred acres so as aforesaid patented for a glebe for the use of the Rector of the said parish for the time being as aforesaid, should be sold and disposed of, and the monies arising from such sale laid out and invested in the purchase of slaves, to be employed in the cultivation and improvement of the remainder of the said land so intended to be occupied and used as a glebe, whereby considerable profit and advantage would arise and accrue to the Rector of the said parish for the time being, and to his successors, Rectors of the said parish:

And whereas the sale of the said land cannot be effected, nor such saves purchased for the use of the said Rector, without the aid and

authority of the legislature: May it please your most excellent Ma-

carrying this

- jesty, at the humble suit of the Justices, Churchwardens, Rector, and Vestrymen of the said parish of Saint George, that it be enacted: Be it therefore enacted by the Lieutenant-Governor, Council, and Affembly of this his Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That the said fix hundred acres of land, so as aforesaid granted by his most gracious present Majesty King George the Third, by his faid herein before-recited letters patent, bearing date respectively the fourteenth day of July, one thoufand feven hundred and feventy-three, unto the faid John Ellis. Thomas Hibbert, and Bryan Edwards, in trust for a glebe as herein before-mentioned, with all and every the rights, members, and appurtenances thereunto belonging or in any wife appertaining, and every part and parcel thereof, shall, from and immediately after the passing of this act, be, and the same is hereby, vested in and settled Truftees ap- upon the Honourable Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, Efquires, and their act into exe- heirs and affigns, to the use of them the said Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, their heirs and affigns, for ever freed and absolutely acquitted, exempted, exonerated, and discharged of and from all and every the uses, estates, trusts, and restrictions which in and by the said in-partrecited letters patent, or either of them, are created, limited, provided, expressed, or declared, of or concerning the same or any part thereof: But nevertheless upon the trusts, and to and for the several uses, ends, intents, and purposes herein after-mentioned, expressed, and declared, of and concerning the same; that is to say, as to, for, and concerning three hundred acres of land, part of the lands comprised in the said letters patent herein before respectively recited, upon trust, and to the intent and purpose that it shall and may be lawful to and for the said Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, or any two of them, and the survivor of them, and the heirs of such survivor, and they or any two of them, and the survivor of them, and the heirs of such furvivor, are and is hereby empowered and directed, by any deed or deeds, conveyances, and affurances in the law, to be duly fealed and delivered by them, or any two of them, or the survivor of them, or the heirs of fuch furvivor, absolutely to grant, bargain, sell, convey, and confirm the faid three hundred acres, being part of the fix hundred acres of land mentioned and comprised in the faid herein before two feveral recited letters patent, and the fee-fimple and inheritance thereof, unto one or more purchaser or purchasers, for the best price that can be got for the same, which the said Fortunatus Dwarris

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Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, or any two of them, and the survivor of them, and the heirs of fuch survivor, are and is hereby enabled, authorised, and impowered, to grant, bargain, fell, and convey as aforefaid; which three hundred acres of land, so directed to be sold as aforefaid, may be so sold and conveyed together or in parcels, as shall be most convenient and advantageous; and that the said three hundred acres, fo to be fold as aforefaid, shall be such part of the faid fix hundred acres as to the said trustees, or any two of them, or the survivor of them, or the heirs of such survivor, shall seem meet.

II. And be it further enacted by the authority aforefaid, That the Monies arifpurchase-money to arise from the sale of the said three hundred acres sale of lands of land, so directed to be sold as aforesaid, shall, as soon as conve-directed by niently may be, be laid out by them the said Fortunatus Dwarris, applied in the Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, purchase of or any two of them, or the survivor of them, or the heirs of such furvivor, in the purchase or purchases of negro or other slaves; and that fuch flaves shall be so purchased by or in the names of the said Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay. and William Cumming, or the survivors or survivor of them, or the heirs of such survivor: In trust nevertheless, and to and for the use of the Rector of the faid parish of Saint George for the time being, and of his fuccessors, Rectors of the said parish, and to be worked and employed upon the faid three hundred acres of land, herein after

appropriated for a glebe in the faid parish. III. And be it further enacted by the authority aforesaid, That in Until such sale the mean time, and until fuch fale or fales, conveyances, and affur- truffees to ances, shall be made in pursuance of this act as aforesaid, they the hold the lands hid Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mac- the Rector; kay, and William Cumming, and the survivors and survivor of them, and the heirs of such survivor, shall permit and suffer the premises, hereby vested in them in trust to be sold as aforesaid, to be held and enjoyed, and the rents and profits thereof, if any, to be had, received. and taken, by and for the benefit of the Rector of the said parish for the time being, and his successors, Rectors of the said parish, as if this act had not been made.

IV. Provided always, and it is hereby further enacted and declared, That in the mean time, and until such purchase or purchases of slaves and, until as aforefaid can be had and made, it shall and may be lawful to and fuch purchase for the said Fortunatus Dwarris, Peter Ingram, Henry Shirley, Ru-mace, truspert Mackay, and William Cumming, or any two of them, and the tees to invest survivor of them, and the heirs, executors, and administrators of sich time from furvivor, with the confent and approbation of the Rector of the faid in fecurities

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parish for the time being, and they are hereby empowered, to place out and invest the purchase-money of the land so directed to be sold as aforesaid, after paying and defraying thereout all reasonable charges and expences incident to the execution of the trufts hereby created and declared, at interest, on mortgage, bonds, or other sufficient security, which said security and securities shall from time to time be taken in the names of the faid trustees, or the survivors or survivor of them, or the heirs, executors, or administrators of such survivor; and that all the interest, profits, and proceeds thereof, shall be had and received by, and belong to, the Rector of the faid parish for the time being.

fuch lands fecured in the poffeffion of them, &c.

V. And it is bereby further enacted and declared by the authority Purchasers of aforesaid, That the purchaser or purchasers of the said three hundred acres of land, directed to be fold as aforesaid, or any part thereof, shall and may, from and immediately after the execution and compleating of fuch conveyances and affurances of the faid premifes, or any part thereof, as aforesaid, have, hold, and enjoy the said premises, so by this act vested in trust to be sold as aforesaid, or such part or parts thereof as shall be purchased by such purchaser or purchasers as aforesaid, absolutely freed and discharged of and from all and every the uses, trusts, powers, provisoes, and limitations, in and by the said herein before two several recited patents, or either of them, limited, created, provided, and expressed, and declared of and concerning the same; and that the receipt or receipts of the said Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, or the survivor of them, or the heirs of such survivor, shall from time to time, and at all times after the same shall be given, be a good and effectual discharge to the said purchaser or purchasers, and his and their heirs, executors, administrators, and affigns, for fo much of the said purchase-money for which such receipt or receipts shall be given; and that after such receipt or receipts shall be given, such purchaser and purchasers, his and their heirs, executors, administrators, and affigns, shall be, and he and they is and are hereby, absolutely acquitted and discharged of and from such purchase-money, and every part thereof; and he, they, or any of them, shall not be liable to see to the application thereof, or be answerable or accountable for any loss, misapplication, or non-application, of such purchase-money, or any part thereof.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That the said Fortunatus Dwarris, Peter Ingram, beanswerable Henry Shirley, Rupert Mackay, and William Cumming, or any of nies only, as them, or the heirs, executors, or administrators of them or any of they may rethem, shall be answerable or accountable for, and chargeable with,

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fuch fum and fums of money, only, as he or they shall respectively receive, and shall not be responsible the one of them for the other,

but for their own respective acts and receipts only.

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VII. And, as to, for, and concerning, the faid other three hun- The remaindred acres of land, herein before-mentioned and comprised in the ing 300 acres faid letters patent herein before-recited, and which will remain after trukers, for the fale or fales herein before directed, it is hereby further enacted and the use of the declared by the authority aforefaid, That the same is hereby so vested in the faid Fortunatus Dwarris, Peter Ingram, Henry Shirley, Rupert Mackay, and William Cumming, and the furvivors and furvivor of them, and the heirs of fuch furvivor; in trust nevertheless, and to and for the use of the Rector of the said parish of St. George for the time being, and his successors, Rectors of the said parish, for and as a glebe: Saving always to the King's most excellent Majesty, his saving to his heirs and successors, and to all person and persons, bodies politick and Majesty, kecorporate, his, her, and their heirs, successors, executors, and administrators (other than and except the said John Ellis, Thomas Hibbert, and Bryan Edwards, and the Rector of the faid parish for the time being, and his fuccessors, Rectors of the said parish, and all and every other person and persons who now do or shall, or may hereafter, claim any estate or interest under or by virtue of the said recited letters patent, or either of them) all such estate, right, title, interest, benefit, property, claim, and demand whatfoever, of, in, to, or out of, the said pieces or parcels of land, hereditaments, and premises, hereby vested in trust as aforesaid, every or any part thereof, as they, every or any of them, had before the passing of this act, or could or might have had and enjoyed in case this present act had not been made.

An Act to repeal an Act, entitled, " An Act for the Ease Passed the 616 of the Inhabitants of the Parish and Precinct of St. Elizabeth," passed in the Year of Our Lord one thousand seven hundred and twenty-three; and to authorise and empower a Majority of the Justices and Vestrymen of the said Parish to appoint the Place where the said Courts and Vestries shall be held in future.

THEREAS an act of the Governor, Council, and Affembly of Acr40. this island, entitled, " An Act for the Ease of the Inhabitants Picambles If the Parish and Precinet of St. Elizabeth," passed in the year one

thousand seven hundred and twenty-three, has been found inconvenient by the inhabitants of the faid parish: We, therefore, your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, do humbly beseech your Majesty that it may be enasted; And it is bereby enacted by the authority of the same, That the said act, and every

Former act repealed.

Juffices and red where Vefries, and Jufticeswhere courts, shall be held.

clause, matter, and thing therein contained, be and is hereby repealed. II. And be it further enacted by the authority aforesaid, That, in Vestry to di- future, the Justices and Vestry of the said parish shall, on the first quarter-day of each year, direct where the Vestries for that year a majority of shall be held, and a majority of the Justices shall determine and direct, at their first meeting, where the Courts of Quarter-Session and Common-Pleas for the said parish shall be held for that year.

Paffed the 6th of December.

An Act to regulate the Fees of the Governor's Secretary.

ACT 41. Preamble.

THEREAS it is necessary that fees to be taken by all persons in public offices should be settled and fixed by known laws: And whereas hitherto the fees from time to time taken by the person acting as Secretary to the Lieutenant-Governor or Commander in Chief of this island for the time being, by means of no fees being established by law, have been arbitrary and uncertain: In order, therefore, that all persons hereafter may know what fees a Governor or Lieutenant-Governor's Secretary may take and receive for business done in the faid office, and that the same may be established by law, We, your Majesty's dutiful and loyal subjects, the Assembly of Jamaica, most humbly beseech your Majesty that it may be enacted by the Lieutenant-Governor, Council, and Assembly of this island; And it is bereby enacted by the authority of the same, That, from and after the passing of this act, the sees of the person acting as Secretary to the Governor or Commander in Chief for the time being shall be as follow:

Governor's Secretary's fecs.

> For every commission of General to serve in the militia of this island, thirty pounds.

> For every commission of Colonel to serve in the militia of this island, twenty-one pounds.

> For every commission of Lieutenant-Colonel, fifteen pounds fifteen shillings.

For every commission of Major, eleven pounds.

For every commission of Captain, five pounds ten shillings.

For every commission of Lieutenant, two pounds fifteen shillings.

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For every commission of Ensign, two pounds fifteen shillings.

For every commission of Adjutant, two pounds fifteen shillings.

For every commission of Quarter-Master, two pounds fifteen shillings.

For every commission of Captain of a fort, twenty pounds. For every commission of Lieutenant of a fort, sisteen pounds.

For every warrant or appointment of Quarter-Gunner of a fort, ten pounds.

For a Privateer's commission, twelve pounds ten shillings.

For a presentation to a Benefice, the sum of ten pounds per centum on the stipend settled by law.

For a Surveyor's commission, twenty-five pounds.

For an order for Surplusage-Land, five pounds.

For a fiat for Land on the Quit-Rent act, five pounds ten shillings.

For each special order for Land, five pounds.

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For every common order for Land, two pounds ter shillings.

For an order for Foot-Land in Titchfield, two pounds fifteen shillings.

For every fiat for Land, two pounds ten shillings. For letters of preserence for an Escheat, ten pounds.

For every fiat on letters of preserence for an Escheat, five pounds:

For every fiat for a writ to elect a Coroner, five pounds.

For every leave of absence to Members of his Majesty's Council; sive pounds:

For every patent of Naturalization, twelve pounds ten shillings.

For every warrant for a Pilot, five pounds.

For every commission of Custos Rotulorum, twenty pounds.

For every commission of Magistrate, or Justice of the Peace, when by writ of association, but not otherwise, five pounds.

For the commission of Chief-Justice of the Grand Court, fifty

For the commission of Assistant Judge of the Grand Court, when

by writ of affociation, but not otherwise, ten pounds.

For the commission of Assistant Judge or Justice for the Surry and Cornwall Assize-Courts, when by writ of association, but not otherwise, ten pounds.

For every commission of Chief-Justice of Common Pleas, ten pounds.

For every commission of Assistant Judge of Common Pleas, when by writ of association, but not otherwise, five pounds.

For every commission or appointment of Master in Ordinary in

Chancery, twenty-five pounds.

For every commission or appointment of Master Extraordinary in Chancery, fifteen pounds.

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For every commission or appointment of Superintendent of Ma-1783. roons, twenty pounds.

For Flags of Truce, twenty pounds.

For the commission of Harbour-Master of Kingston, ten pounds. For the commission of Interpreter of foreign Languages, two pounds fifteen thillings.

For the commission of Armourer, two pounds fifteen shillings. For the commission of Deputy Adjutant-General, and Deputy Quarter-Master-General, each, two pounds fifteen shillings.

For the commission of Barrack-Master-General, five pounds ten

fhillings;

And for the commission of Deputy Barrack-Master-General, two pounds fifteen shillings.

For the commission of Muster-Master-General, ten pounds ten

fhillings;

And for the commission of Deputy Muster-Master-General, five pounds ten shillings.

For the commission of Judge-Advocate-General, ten pounds ten

And for each commission of Deputy Judge-Advocate, five pounds ten shillings.

For each commission of Aid du Camp to the Commander in Chief,

twenty-one pounds;

And for each commission of Aid du Camp to a general officer of the militia, ten pounds ten shillings.

For the commission of Island Engineer, two pounds fifteen shil-

lings.

For the commissions of Physician-General and Surgeon-General, each, twenty-one pounds.

For an order to a Minister to publish in Church the intentions of a person to apply for a Private Bill, two pounds fifteen shillings.

II. Provided always, That no officer of the militia shall be compelled to pay twice for the same rank, on any change of the Gover-

twice for the nor or Lieutenant-Governor of the island, or otherwise.

Secretary to office, under penalty of 200%

No officer to

to pay fees

fame rank.

III. And be it further enacted by the authority aforesaid. That the fet up a table said Secretary shall, within forty days after the passing of this act, of fees in his fix and fet up, in the most public part of his office, a table of the fees as they are hereby fettled and established; and for his neglecting, omitting, or delaying to do the same, shall forfeit the sum of One Hundred Pounds, to be recovered in any court of record of this island, by action of debt or otherwise; one moiety whereof shall be to his Majesty, his heirs and successors, for and towards the support of the government of this illand, and the contingent charges thereof,

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and the other moiety to the informer, or him or them that shall sue 1788. for the fame.

IV. And be it further enacted by the authority aforefaid, That in Secretary tacafe the faid Secretary, or any other person for him, shall, on any fees than pretence whatfoever, presume to ask, take, or demand any greater or herein pre-other sees, sum or sums of money, or other reward, save what is forfeit seed. herein before prescribed, every such officer, person or persons, so alking, demanding, taking, or receiving, shall, for every such offence, forfeit the sum of Five Hundred Pounds; one moiety whereof shall be to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him or them that shall sue for the same, and be further incapacitated to bear said office.

V. And be it further enacted by the authority aforesaid, That this continuance act shall continue and be in force, from the passing thereof, for the of this act.

term of three years, and no longer.

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An Act for repealing certain Clauses of an Act for repeal- Passedthezoth of December. ing an Act, entitled, " An Act for the better discovering and collecting the Arrears of his Majesty's Quit-Rents, for the more effectual collecting the Quit-Rents hereafter to become due, and for the better discovering, ascertaining, and collecting such Arrears, and for the more effectual collecting the Quit-Rents hereafter to become due;" and for the more easy and effectual collecting, as well the Arrears of his Majesty's Quit-Rents, as the Quit-Rents hereafter to become due to his Majesty.

THEREAS an act for repealing an act, entitled, " An Act for AcT 42. the better discovering and collecting the Arrears of bis Ma- Preamble. jesty's Quit-Rents, for the more effectual collecting the Quit-Rents bereafter to become due, and for the better discovering, ascertaining, and collecting fuch Arrears, and for the more effectual collecting the Quit-Rents bereafter to become due," passed in the year of Our Lord one thousand seven hundred and eighty-three, hath, in many instances, been found ineffectual, inconvenient, and difficult to be carried into execution: For remedying whereof, it is expedient that several clauses contained in the faid act should be repealed, and more easy and con-

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venient modes adopted for effecting the purposes intended by the faid act: May it please your Majesty that it may be enacted; And be it therefore enacted by the Lieutenant-Governor, Council, and Affembly of this your Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the second, third, fourth, fifth, fixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, fixteenth, nineteenth, twentieth. twenty-fecond, and twenty-fixth enacting clauses of the said act, and every part thereof, be and stand repealed, annulled, and made void. and the same are hereby annulled, repealed, and made void, to all intents and purpofes.

Claufes of a former ad repealed.

of lands to ppficis.

II. And be it further enacted by the authority aforefaid, That, from Owners, &c. and after the paffing of this act, all persons who own, hold, enjoy, give in, up n inherit, occupy, or possess any lands within this island, in their eath, an ac-count of all own right, or in right of their wives, shall yearly and every year, on the landsthey the twenty-eighth day of March, or within thirty days thereafter. give in, or cause to be given in, upon oath, or, if of the people called Quakers, upon solemn affirmation, before the Justices and Vestry of the parish where such lands lie, a true and exact account, in writing, of the whole number of acres of land which they own, hold, enjoy, inherit, occupy, or possess, in manner above-described, in the said parish where they so give in; and if foot-land, a true and exact account, in writing, of the number of lots, and the quantity of feet in each lot, which they so hold, own, enjoy, inherit, occupy, or possess in such parish, according to the best of their knowledge, information, and belief; and at the foot of each and every account, fo given in, shall be fairly written the following oath or solemn affirmation, viz.

> 7 A. B. do swear (or solemnly affirm, if a Quaker), that the above 19 " contains a true and exact account of the whole number of acres of land which I do own, hold, enjoy, inherit, occupy, or poffefs, in " my own right, or in right of my wife; and if foot-land a true and exact account of the whole number of lots, and the quantity of feet er in each lot, which I do own, bold, enjoy, inherit, occupy, or pofaccording to the best of my " sefs, in the parish of

" knowledge, information, and belief.

" SO HELP ME GOD."

III. And be it further enacted by the authority aforefaid, That all Perfons hold. mortgagees in possession, guardians, attornies, agents, trustees, exethe right of cutors, and all other persons in possession of lands within this island, others to give is, upon outh, in the right of others, shall, in like manner, yearly and every year, OI

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on the twenty-eighth day of March, or within thirty days thereafter, give in, or cause to be given in, upon oath, or, if of the people called Quakers, upon solemn affirmation, before the Justices and Vestry of an account the parish where such lands lie, a true, exact, and separate account, lands they so in writing, for each particular person or constituent, of the whole ses. number of acres of land which fuch guardians, attornies, agents, truftees, executors, mortgagees in possession, or other persons aforefaid, then hold, occupy, and posses, in right of such particular person or constituent as aforesaid, in the parish where they shall so give in; and if foot-land, a true and exact account, in writing, of the number of lots, and the quantity of feet in each lot, which they shall respectively hold, occupy, and possess, in right of other perfons, in the parish where they shall so give in, according to the best of their knowledge, information, and belief; and at the foot of each and every account, so given in, shall be fairly written the following oath, or solemn affirmation, viz.

I A. B. (mentioning the capacity in which he acts) do swear (or 19 " solemnly affirm, if a Quaker) that the above contains a true " and exact account of the whole number of acres of land, or, if foot-" land, of the whole number of lots, and the quantity of feet in each " lot, in the parish of which I am in possession of, or " have under my care and management, in right of the faid " to the best of my knowledge, information, and belief. " SO HELP ME GOD."

Which faid oaths or affirmations, hereby required to be taken, shall and may be taken before any one Justice of the Peace within this iland.

IV. And be it further enacted by the authority aforesaid, That all Rate of Quitpersons who hold lands within this island shall pay Quit-Rents for Rents. the lands so as aforesaid to be given in before the Justices and Vestry of the parish where the same lie, at and after the rate of one halfpenny per acre, and for foot-land at and after the rate of one halfpenny per foot for two fides of the square added together: Provided always, That if any owner or owners, or any person or persons law- owners, &c. fully authorised by such owner or owners of lands for which Quit- of lands for Rents are to be paid, is or are willing to furrender the faid lands to Rents are to his Majesty, his heirs and successors, he, she, or they shall be at be paid, at liliberty to make over the same, in due form of law, in lieu of the said render the Quit-Rents, fo as that his Majesty may be enabled to re-grant the lands in lieu lame; the person or persons so surrendering any lands first taking the tollowing oath, or making the following folemn affirmation:

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A. B. do swear (or, being a Quaker, do solemnly affirm), that 19 " neither myself, nor any person for me, have or hath, at any time, received any profit or benefit from the faid lands, equal to the " fum now due to his Majesty for the said Quit-Rents; and that I do " not make this furrender fraudulently, or with an intent to obtain a " re-grant for the same in my own name, or in the name of any other " person in trust for me. SO HELP ME GOD."

Which said oath shall be taken, or solemn affirmation made, in open court before the Judges of the Supreme Court of Judicature, or the Justices of either of the Courts of Assize within this island; and the same shall be recited and set forth in the deed of surrender, to be executed by the faid owner or owners, or person or persons lawfully authorised to surrender the said lands.

V. And, the better to prevent any fraudulent practice of furrender-

ing lands to avoid paying the Quit-Rents due thereon, with a view of obtaining a re-grant of the same lands, be it enacted by the authority aforesaid, That, when any person or persons shall apply for a grant of any lands so surrendered, he, she, or they shall first take the following oath, or, if a Quaker, make the following folemn affirmation, before the Governor or Commander in Chief for the time being, or fuch

person as he shall appoint, viz.

Perfons applying for grants of furrendered lands, to make oath.

> A. B. do swear (or, if a Quaker, do solemnly affirm), that the 1, " lands for which I now apply for a grant, were not by me " furrendered, nor is such grant to be taken in my name in trust for " the person who surrendered the said lands, or in the name of any " other at my instance, or any claiming by, through, or under bim, es ber, or them. SO HELP ME GOD."

Patices and Vetry to caufe all accounts of to be tranferibed in a book, and a copy thereof transmitted to General.

VI. And be it enacted by the authority aforefaid, That the Justices and Vestry of each and every parish within this island shall, yearly and every year, within two months next from and after the day lands given in herein before appointed for giving in accounts of the lands in each parish in this island, cause all such accounts of lands given in before them to be fairly transcribed in a book to be provided and kept for that purpose; a copy of which transcript, attested under the hands the Receiver of two of the Justices of the Peace of such parish, shall be by the Justices and Vestry of the said parish transmitted to the Receiver-General's office, within one month next from and after the time herein before limited for transcribing the said accounts into a book.

VII. And be it further enacted by the authority aforesaid, That it Perfons megleding to give any person or persons, liable to the payment of Quit-Rents, their in, to be taxed. agent ACT 42.

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agent or agents, overfeer or overfeers, shall not appear and give in an account, on oath, to the Justices and Vestry, at such time as herein before is directed, that then, and in fuch case, it shall and may be lawful to and for the faid Justices and Vestry to tax or affess such person or persons so neglecting or refusing to give in an account as aforefaid, by themselves, their agents or overseers, according to their best knowledge, or from the best information they may receive of the quantity of land in his, her, or their possession, in such parish: Provided nevertheless, and be it enacted by the authority aforesaid, Provise. That in case, upon due proof before the Justices and Vestry in any parish or precinct in this island, it shall at any time appear that any such default, neglect, or refusal, in not giving in as last mentioned, shall have happene! by the wilful neglect, omission, or refutal of any such agent or agents, overseer or overseers, and not through the fault of the principal party, constituent, owner, or employer, then, and in every fuch case, the person or persons actually guilty of such wilful default, neglect, or refusal, shall pay such affestment, or, in default of paying the same, shall be liable to such distress or penalties as herein is or are provided or enacted with respect to the principal party, constituent, owner, or employer; any thing herein contained to the contrary thereof in anywise notwithstanding: Provided, That in case no distress of such agent or agents, overseer or overseers, can be found within such parish or precinct respectively, then, and in such case, and not otherwise, the goods, chattels, and slaves of such principal party, constituent, or employer, shall be liable to be distrained and fold, in manner herein mentioned.

VIII. And be it further enacted by the authority aforesaid, That Clerks of the the Clerk of the Vestry in each and every parish within this island liver a roll shall, yearly and every year, within thirty days next after the ren- and warrant dering and giving in the feveral accounts of lands herein before di- ing Conftarected, make out a fair copy or roll of the particular quantities or bie, to enable him to gather parcels of acre or foot-land fo given in, and also of the exact sum in the several and sums of money that shall yearly and every year be due and paya- fums affected ble for Quit-Rents thereupon, and shall annex thereto a warrant, ready to be figned under the hands and feals of any two or more of the Justices of the Peace of such parish, who are hereby empowered and required, under the penalty of Fifty Pounds, immediately to fign such fair copy or roll, and shall deliver the same to the Collecting Constable of such parish, to enable him to collect and gather in the several sums affessed therein; and every such Collecting Contrable, to whom such roll and warrant shall be delivered, is hereby required to collect and gather in, from every person named therein, his, her, or their attorney, agent, guardian, or legal representative, all such

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C-llecting Conftables.

Collecting Conttables empowered to diftrain, and fell fuch diftreffen ;

giving five days notice of fach fale.

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Collecting Conftables to enter into bond.

fum and fums of money as he shall have received, and pay the same into the hands of the Receiver-General for the time being, within Feed allowed thirty days after such roll and warrant have been delivered to him, retaining to himself one shilling in the pound, and no more. And, to remove all excuses from the several Collecting Constables for not duly collecting the same, they, and each and every of them, are hereby empowered to distrain on all or any of the goods, chattels, or flaves of such person or persons as shall refuse to pay such affestments as aforefaid, and the distresses then and there found to sell at public outcry, at the most public place in the parish where such distress shall be made; returning the overplus, if any, to the owners thereof, after deducting one shilling in the pound out of the sale, for the trouble of fuch Collecting Constable or Constables: nevertheless, and be it enacted by the authority aforesaid, That such fale of goods, chattels, or flaves by public outcry shall not be deemed lawful, unless such Collecting Constable or Constables shall have first given five days notice of fuch intended fale, by an account of the goods, chattels, or flaves so distrained, and the marks upon such slaves or chattels, if any there be, as also the hour of the intended sale, in a paper to be by fuch Collecting Constable or Constables fixed up in the most noted and public place in the parish: Provided also, and be it enacted by the authority aforesaid, That slaves shall in no case be distrained on by such Collecting Constable or Constables, where any other diffress can or may be had; any thing in this act contained to the contrary hereof in anywise notwithstanding.

IX. And be it further enacted by the authority aforesaid, That when a Constable is appointed by the Justices and Vestry of any parish in this island for collecting the poll-tax, such Collecting Constable shall, before the poll-tax roll be delivered to him, enter into a bond to his Majesty, his heirs and successors, with one or more sufficient securities (such securities being first approved of by the Commissioners appointed for settling the Public Accounts, or any three of them, in case there shall be such Commissioners appointed, or otherwise by the said Justices and Vestry), for his collecting and paying the several sums of money, in the said Quit-Rent roll mentioned, into the hands of the Receiver-General for the time being, referving to himself one shilling in the pound, as aforesaid, and no more; which faid bond shall be, by the faid Justices and Vestry of the faid parish, immediately afterwards transmitted to the Receiver-General for the time being.

X. And whereas there are very confiderable fums of money due to his Majesty, for arrears of Quit-Rents for lands holden in this island, which ought to be forthwith collected, and paid into the office of the

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Receiver-General of this island, for the support of the government thereof: Be it therefore enacted by the authority aforesaid, That the Receiver-General of this island do and shall, on or before the twenty- neral to make eighth day of February, in the year of Our Lord one thousand seven out a list of hundred and eighty-nine, under the penalty of Five Hundred Pounds, rear for make up an account, for each and every parish in this island, of the Quit-Rents, arrears of all Quit-Rents due to his Majesty to the thirty-first day of they severally December, in the present year of Our Lord one thousand seven stand charged with, to be hundred and eighty-eight, specifying the names of the persons from published in whom such sums appear, from the books of his office, to be due, the Royal Gazette. with the fum so appearing to be due set opposite to each person's name; and immediately thereafter cause the same to be published and continued for one month in the Royal Gazette.

XI. And be it enacted by the authority aforesaid, That it shall and Persons in agmay be lawful for any fuch person or persons, so in arrear for Quit- rears for Quit- Reats may en-Rents, to enter into and give bond to our fovereign Lord the King, ter into bond his heirs and successors, with condition thereunder written, for pay-thereof withing to the Receiver-General of this island for the time being, or to in twelve his assigns, within twelve months from the date of such bond, the months. full amount of the sum of money set opposite to his, her, or their name or names in the faid account so to be published, or such sum or fums of money only as he, she, or they shall make appear to be justly due and owing from him, her, or them respectively, for Quit-Rents to the said thirty-first day of December, one thousand sevenhundred and eighty-eight, together with interest from the date of such bond, at the rate of fix pounds per centum per annum; which bonds the Receiver-General for the time being is hereby empowered and directed to receive in payment, and to give sufficient receipts for the faid Quit-Rents to the obligor or obligors of such bond or bonds; provided fuch bond or bonds shall be entered into, and delivered to the Receiver-General for the time being, on or before the twentyeighth day of May, in the faid year of Our Lord one thousand seven hundred and eighty-nine, and not otherwise: But in case any such Persons payperson or persons so in arrear for Quit-Rents shall, on or before the said ing such arrears in cash, twenty-eighth day of May, one thousand seven hundred and eighty- to be allowed nine, pay, in cash, into the hands of the Receiver-General for the discount. time being, the amount of the fum of money fet opposite to his, her, or their name or names in the faid account so to be published, or fuch fum or fums of money only as he, she, or they shall make appear to be justly due and owing from him, her, or them respectively, for Quit-Rents to the said thirty-first day of December, one thousand seven hundred and eighty-eight, then, and in such case, such person or persons so paying in cash as aforelaid, and not otherwise, shall be entitled to and allowed by the said

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Receiver-General a discount or deduction of fifteen pounds per centum on the fum so paid. And in case such bond or bonds herein before-mentioned shall not be paid on the days and times on which the same shall be conditioned to be paid, then the Receiver-General for the time being is hereby empowered, directed, and required to take and use such ways and means, for the recovery thereof, as are directed to be taken in and by the faid act of the Governor, Council, and Affembly, passed in the said year of Our Lord one thousand seven hundred and eighty-three, respecting the bonds by the same act directed to be taken for Quit-Rents; which faid bonds, by this act directed to be taken, shall be entitled to the same benefit of priority, and every other benefit to which the bonds, by the faid recited act directed to be taken, are entitled.

Receiver-Gemit lifts of perfons in ar-Rents in the feveral parifhes, to the Clerks of Veftry.

Clerks of Veftry to deliver ing Conftable lift of arrears. to gather in the fame.

XII. And be it further enacted by the authority aforefaid, That the peral to trans. Receiver-General of this island for the time being do and shall, within thirty days from and after the faid twenty-eighth day of May, rearsfor Quit- make up an account, for each and every parish within this island, for the arrears of all such Quit-Rents to the said thirty-first day of December, one thousand seven hundred and eighty-eight, as shall not have been fettled and paid in manner herein before-mentioned, and transmit to the Clerk of the Vestry, in each and every parish within the faid island, a copy of such account of the arrears due from the parish of which he is Clerk of the Vestry; and that the Clerk of the Vestry in each such parish shall, under the penalty of Fifty Pounds, to the Collect- within ten days after such account shall have been so received by him, cause the same to be fairly transcribed in a book to be kept for that copy of such purpose, and make out a copy or roll of the account of arrears so to enable him transmitted him by the said Receiver-General, and shall annex thereto a warrant, ready to be figned under the hands and feals of any two or more of the Justices of the Peace of such parish, who are hereby empowered and required, under the penalty of One Hundred Pounds, immediately to fign the same, and to deliver the same to the Collecting Constable of such parish, to enable him to collect and gather in the feveral fums therein mentioned: And all and every fuch Collecting Constable or Constables, to whom such roll and warrant shall be delivered, is and are hereby required to collect and gather in, from every person or persons named therein, or his or their attorney or agent, guardian, or other legal representative, all such sum or sums of money as he shall have received, without their being liable to any relief or deduction, on any pretence whatfoever, and to pay the . same into the hands of the Receiver-General for the time being, within thirty days after fuch roll or warrant shall have been delivered to him or them, deducting thereout one shilling in the pound for his or their trouble in collecting the fame, and no more. And, to re-

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move all excuses from such Collecting Constable or Constables for 1788. not duly collecting the same, they and each of them are hereby empowered and required to diffrain on all or any of the goods, chattels, Collecting or flaves of fuch person or persons as shall refuse to pay the sums empowered contained in such roll, as due from them respectively, and the dif- to diffrain for tresses then and there found to sell in such and the same manner, and under such and the same restrictions, as he is herein before by this act empowered to fell the distresses first herein before-mentioned.

XIII. And be it enasted by the authority aforesaid, That such Collecting Constable or Constables, for the collecting the said arrearage- Constables to rolls, shall be appointed by the Justices and Vestry, in the same man-find security ner as such Collecting Constable or Constables shall be appointed for tremissions, collecting any other tax; and that, before such arrearage-roll shall be &c. delivered to such Collecting Constable or Constables, the Justices and Vestry are hereby required to take a bond, payable to his Majesty, his heirs and fuccessors, from each Collecting Constable, with one or more sufficient securities, such securities being first approved of by the Commissioners appointed for settling the Public Accounts, or any three of them, in case there shall be such Commissioners appointed, or otherwise by the said Justices and Vestry, for his collecting and paying such monies, as aforesaid, into the hands of the Receiver-General for the time being, deducting thereout one shilling in the pound, and no more; which faid bonds shall be, by the said Justices and Vestry of the said parish, immediately afterwards transmitted to the Receiver-General for the time being.

XIV. And be it further enacted by the authority aforesaid, That Collecting all and every such Collecting Constable or Constables, to whom any for neglet, of the rolls mentioned in this act shall be delivered, shall be, and &c. how to be dealt with. they and each and every of them is and are hereby made, amenable, in the same manner as for any other public tax, to the Supreme Court of Judicature of this island, for any neglect in the execution thereof, or for non-payment of the monies, by them received, to the Receiver-General for the time being; and the Receiver-General for the time being is hereby empowered to take out a writ or writs of Venditioni exponas against the body and goods of the security or securities of each and every such Collecting Constable or Constables, as well as against the body and goods of each such Collecting Constable, and to proceed thereon in the same manner, for the recovery of all fum and fums of money which shall be unpaid by such Collecting Constable or Constables, as is directed by the said act of the Governor, Council, and Assembly, passed in the said year of Our Lord one thousand seven hundred and eighty-three.

AV. And be it enacted by the authority aforefaid, That any person

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or persons who shall have taken any of the oaths, or made such solemn affirmations, as is herein before directed, and shall be thereafter Perforegulty legally convicted, in his Majesty's Supreme Court of Judicature, or how to be pu- in either of the Courts of Affize within this island, of having wilfully, corruptly, or fraudulently committed perjury in the taking fuch oath, or making fuch folemn affirmation, every fuch person or persons, so legally convicted as aforesaid, shall suffer such pains and penalties as persons guilty of wilful and corrupt perjury are, by a certain act of parliament passed in that part of Great-Britain called England, in the fifth year of the reign of Queen Elizabeth, or by any law now in force in this island, liable to suffer.

Penalty on neglecting, Ac. their duty herein.

XVI. And be it enacted by the authority aforesaid, That if any Justices, &c. Justice of the Peace, Clerk of the Vestry, Receiver-General, or Collecting Constable, shall neglect or refuse his or their duty, purfuant to the true intent and meaning of this act, every fuch person fo offending shall, for every such offence or neglect, for which no penalty is herein before inflicted, forfeit the sum of One Hundred Pounds; and that all and every the penalties incurred by this act shall be recovered by action of debt, bill, plaint, or information, in the Supreme Court of Judicature of this island, wherein no protection, wager of law, effoin, injunction, or emparlance, shall be granted or allowed, or Non vult ulterius prosequi be entered: And Penalties, &c. one moiety of all the fines and forfeitures to be hereby incurred and incurred by recovered, as aforesaid, shall be to our Sovereign Lord the King, his to be applied. heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to him or them who shall sue for the same; any law; custom, or usage to the contrary thereof in anywise notwithstanding.

Passedtheseth An Act for the further raising and establishing the Credit of this Island; and for preventing vexatious Suits at Law, in consequence of the Destruction of Vouchers by the late Hurricanes and Fires.

ACT 43. Preamble.

HEREAS it would tend greatly towards obtaining indulgence from British creditors, after judgments obtained in this island upon open or settled accounts, if interest was by law allowed on their demands, after judgment obtained: May it therefore please your most excellent Majesty that it may be enacted; And be it enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's ACT 43.

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Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, whenever judgment shall be obtained upon an open or settled account of any lowed British person or persons resident in Great-Britain or Ireland, against any creditors, person or persons being an inhabitant or inhabitants of this island, ment obtaininterest at and after the rate of five pounds, for each one hundred ed on debts. pounds, by the year, shall be allowed, from the first day of the court in which such judgment shall be obtained, on the principal fum for which fuch judgment is obtained, until the same is fully paid and satisfied; and that the plaintiff or plaintiffs in such judgments, his, her, or their attorney or attornies, executors, administrators, or assigns, shall be at liberty to mark and sign, or cause to be marked and figned, a levy upon all process to be thereon iffued accordingly; any law, custom, or usage to the contrary in anywife notwithstanding

II. And be it enacted by the authority aforesaid, That where the Defendants defendant or defendants, against whom such judgment or judgments fetting up deshall be obtained, shall set up any defence, such defendant or defen- cont of indants shall be chargeable with costs of increase, as heretofore, unless erease. the Judges, before whom the action shall be tried, shall see cause for

difallowing the fame, and shall make order accordingly.

III. And whereas it hath frequently happened, that executors and administrators have pleaded the rule of executors, allowed to them by the Supreme Court of Judicature, to actions brought against their testators' or intestates' estates, and have of the same court pleaded the general issue to others, and suffered the plaintiffs therein to proceed to judgment, whereby all fuch creditors to whose suit such rule has been pleaded, as aforesaid, have been postponed in the payment of heir demands, and such other creditors who have been suffered to proceed to judgment, as aforefaid, have been unduly preferred in the payment of the monies due to them, to the great prejudice of the former, and more particularly the British creditor, who either may not have any attorney here, or may not be able to fend his account out in time to be put on a footing with the creditor in this island: Be it therefore enacted by the authority aforesaid, That, from and after Judgmention the passing of this act, all executions duly lodged for any judgments put on the whatever, that may be taken against such executor or administrator same footing within the two next courts after pleading the faid rule, which it is this iffand. hereby declared shall be pleaded generally against every creditor, shall be exactly on the same footing of priority, as if the same had been leafe taken together the first court.

IV. And whereas, in consequence of five successive hurricanes and your two great fires, many receipts and vouchers for money paid, and defeafances

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feafances and other papers, have been destroyed, previous to which. through neglect or otherwise, satisfaction was omitted to be entered of record, in due form of law, upon judgments obtained, though they may have been fully paid and fatisfied: To the end, therefore, that all vexatious fuits at law in relation thereto may be prevented. and that all dormant bills, bonds, judgments, and other fecurities for money, whereon no payment hath been or shall be made, or which have not hitherto been, or shall not be, legally demanded within twenty years from the time they respectively became or shall become due, or from the last payment thereon, may become void, Be it further enacted by the authority aforesaid, That, from and after the first day of January, which will be in the year of Our Lord one thousand feven hundred and eighty-nine, all bills, bonds, and mortgages whatfoever, and all judgments, and every other writing and writings obligatory whatsoever, which have already been or shall hereafter be given, made, or obtained, whereon no payment hath been or shall be made, or which have not been or shall not be legally demanded within the space of twenty years from the time they respectively became or shall become due, or from the last payment thereon, shall be, and the same and every of them are hereby declared to be, null and void, to all intents, constructions, and purposes whatsoever; any law, custom, or usage to the contrary thereof in anywise notwithstanding: Provided always, That the limitation herein before-mentioned shall not extend, or be construed to extend, to any person under the age of twenty-one years, women under coverture, or persons of unfound memory: Provided also, That fuch persons under age, women under coverture, and persons of unsound memory, shall bring their actions, to recover any such aforementioned demands, within three years after such person or persons shall obtain the age of twenty-one years, women under coverture shall become sole, or persons of un-

Obligatory writings, &c. not demanded within 20 years, declared void.

Provifo.

for the more effectual Prevention of Smuggling, and for the better collecting certain Duties and Imposts, granted by the Laws of this Island towards the Support of the Government thereof."

found memory shall become fane.

ACT 44. WHEREAS by an act, entitled, "An Act for the more effectual Prevention of Smuggling, and for the better collecting certain ACT 44.

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certain Duties and Imposts granted by the Laws of this Island, towards the Support of the Government thereof," it is enacted and declared, " that in all cases where information is given, on the oath of the Collector, Comptroller, or other officer of his Majesty's customs, or on the oath of the Naval Officer, Receiver-General, or either of their lawful deputies, of imuggled goods being concealed, lodged, or secured, or suspected so to be, in any house, store, or other place whatfoever, and that the party or parties having the care or cultody thereof cannot immediately be found, or, on being fo found, doth refuse to open and permit the same to be searched, by any persons authorised to make seizures demanding the same, it shall and may be lawful for any Judge of the Supreme Court, or any two magistrates, on application being made to him or them, and he and they are thereby authorised and required, under the penalty of two hundred pounds, immediately on fuch application being made, to grant a writ or writs of affistance, for the entering and searching such suspected place or places:" And whereas at many of the creeks and bays of this island, where smuggled goods are landed, concealed, lodged, or secured, application cannot easily be made to a Judge of the Supreme Court, or to two magistrates, for such writ or writs of affistance: May it please your most excellent Majesty that it may be enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica; And it is bereby enacted and ordained by the authority of the same, That, from and after the passing Writs of asof this act, it shall and may be lawful for any one magistrate, on fiftance to be fuch application being made to him, under fuch circumstances as one magifaforesaid, and he is hereby authorised and required, under the pe-trate, under nalty aforefaid, to grant such writ or writs of affishance; any law. sustom, or usage to the contrary thereof in anywise notwithstanding.

II. And be it further enacted by the authority aforefaid, That in Such write to all cases where a positive oath is made by one or more credible wit- previous nonesses, that smuggled goods are concealed, lodged, or secured in any use. house, store, or other place whatsoever, it shall and may be lawful for any one of his Majesty's Justices of the Peace in this island, and he is hereby authorised and required, under the penalty of Two Hundred Pounds, on application being made to him by any fuch officer or officers as aforesaid, or any of their lawful deputies, to iffue luch writ or writs of affistance, without requiring that the party or parties having the care or custody of such smuggled goods shall previously have had notice thereof: Provided always, and it is bereby declared, That such last-mentioned writ or writs of affistance shall Write to be be executed in the day-time only: And provid d also, That if the the day-time information, whereupon such writ or writs of affistance shall be iffued, only.

fhall prove to be false, that then and in such case the party injured shall recover his sull damages and costs out of purse against the said officer applying for such writ or writs of assistance, by action of redressed. trespass to be therefore brought against such officer.

Pased the 20th An Act for the more effectually preventing Nuisances on the Highways.

ACT 45.

Penalty on

perfons laying Nuifances

on the high-

THEREAS the laws now in force for preventing Nuisances on the highways, and for compelling the removal of fuch as may accidentally arise in the roads leading into any of the towns of this island, are inadequate to the purposes for which they were intended: May it therefore please your most excellent Majesty that it may be enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica; And it is hereby enacted by the authority of the same, That, from and after the passing of this act, if any person or persons shall purposely lay, or cause to be laid, on any of the faid highways, or on any place within one hundred yards of the same, the carcase or carcases of any dead horse, mare, mule, or als, or horned beaft, or shall wilfully convey to the faid highway any filth, or other annoyance, whereby the lives or healths of his Majesty's subjects may be affected, every person or persons so offending shall forfeit and pay the sum of Five Pounds for every such offence, to be recovered by information, upon oath, before any Justice of the Peace, in a summary way, in the parish where such offence shall or may be committed; which faid penalty shall be paid over to the Supervisor of the workhouse of such parish; one moiety thereof shall be to the use of the Overseer of such workhouse, and the other moiety shall be to the use of such workhouse; any law, custom, or usage to the contrary notwithstanding.

Slaves laying Nuifances on highways,&c. to be apprehended, and detained in the work-house till the penalty is paid.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to apprehend, or cause to be apprehended, and secured in the nearest workhouse, any negro or other slave who shall be detected in laying on any of the said highways, or on any place within one hundred yards of the same, the carcase or carcases of any dead horse, mare, mule, as, or horned beast, or in conveying to the said highways any filth or other annoyance, whereby the lives or healths of his Majesty's subjects may be affected; and on information being made, on oath, before any one of his Majesty's Justices of the Peace, that the negroes so apprehended and secured were guilty of such offence, it shall and may be lawful for such Justice, and he is hereby required, to issue his warrant

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to the Overseer or Supervisor of the workhouse in which they are secured, authorifing and directing him to detain all fuch negro or other flaves, until the mafter, owner, possessor, or employer shall pay the faid fum of five pounds, together with costs attending fuch complaint, not exceeding ten shillings, and the workhouse fees.

III. And, in order to compel the speedy removal of such nuisances as may accidentally arise on the roads leading into the several towns of this island, be it further enacted by the authority aforesaid, That, Overseers of on information being fent in writing to the Overfeer of the work- workhouses house in either of the said towns, of any dead carcase or carcases be- Nuisances, ing found on any of the public roads leading into fuch towns, and under pewithin three miles thereof, the faid Overseer is hereby required forthwith to repair to the spot where such dead carcase or carcases may be found, together with the negroes employed in fuch workhouse, or a sufficient number thereof, and cause such carcase or carcases either to be burnt to ashes, or to be buried four feet at the least under the surface of the earth, and at the distance of one hundred yards at the least from such road, under the penalty of Five Pounds, to be recovered in the same manner as is herein before-directed; one moiety whereof shall be paid to the informer, and the other moiety shall be paid to the Churchwardens of the parish, for the use of the poor of such parish.

An Act to repeal an Act, entitled, " An Act to restrain Passedthezoth the Inhabitants of the Parish of Westmoreland, in the County of Cornwall, in this Island, from working any Carriages of Burthen, but with broad Wheels. on the Roads in the faid Parish," and to restrain the Inhabitants of the said Parish from working any Carriages of Burthen on the Roads in the faid Parish, with Wheels. of any other Dimensions than those herein prescribed.

THEREAS an act of the Governor, Council, and Affembly of Act 46. this island, entitled, " An Act to restrain the Inhabitants of Preamble. be Parish of Westmoreland, in the County of Cornwall, in this Island, rom working any Carriages of Burthen, but with broad Wheels, on the Roads in the faid Parish," passed in the year of Our Lord one thouand seven hundred and seventy-four, hath not had the good effect, for answered the good and salutary purposes, for which it was in-Gg 2

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tended: May it therefore please your most excellent Majesty that it may be enasted; Pe it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enasted and ord ined by the authority of the same, That the find act, and every clause, matter, and thing therein con-Ill repealed, tained, be, and the fame is hereby, annulled, repealed, and made void, to all intents and purposes; any thing in the said act contained to the contain in anywite notwithstanling.

Namain, Co. f true car Trace of edt w tr pafe, but with f ven inches bread in the fellics.

Exception.

Penalty for contravening this law.

Provifo.

11. And he it further exacted by the authority afor faid, That, from and after the fift day of June, which will be in the year of Our 1. all w. I ord one thoutand leven hundred and eighty-nine, no wain, cart, wa gon, or other carriage, for carrying of fugar, rum, or other well itlean goods, a cart with not more than two mules or hories only excepted, thall be allowed to work, pass, or re-pass, in or upon any of the highways of the faid parith, unless the wheels of fuch wain, cart, waggon, or other carriage, shall be at least seven inches broad in the fellies of the laid wheels, with a reasonable allowance for wear, five and except the roads in the faid parish lying to the eastward of a place in the faid parish called the Cave, and to the northward of Dean's Valley, and to the westward of Springfield and Negril Spots; and in cafe any fuch wain, cart, waggon, or other carriage, shall, after the time above-mentioned, be found working, passing, or re-passing on the faid highways, fave and except as aforefaid, with wheels of leffer breadth in the fellies than feven inches, reasonable allowance being made for the wear, they shall be subject to a penalty of Twenty Shillings for every offence for each wheel; and for all wheels of a leffer breadth than fix inches, they shall be subject to a penalty of Forty Shillings for every wheel; which faid penalties shall be recovered in a furniary way, of the offender's goods and chattels, by warrant of diffrets from any magnifrate of the faid parish, before whom oath shall be made of such offence, and who is hereby empowered to administer the same; and the distress or distresses so made being exposed to fale, after deducting costs and charges, the penalty recovered shall be paid into the hands of the Churchwardens of the faid parish, to be laid out in the repairs of the highways of such parish: Provided nevertheless, That any person or persons may use, employ, or work, upon the faid highways, any waggon or other four-wheel carriages, for conveyance of goods as aforefaid, the wheels whereof shall be fix inches broad in the fellies, and the fore-axle whereof shall be twelve inches thorter or twelve inches longer than the after-axle trees of such waggon or other four-wheel carriages before-mentioned; any thing in this act contained to the contrary notwithstanding.

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An Act for the more effectually ascertaining and collecting the Transfent Tax of the Town of Montego-Bay, in the of December, Parish of Saint James.

HEREAS Captains of ships and other vessels, and Transient AcT 47. Traders, yearly import into the town and parish of Saint Preamble. James, large quantities of dry goods and merchandize for fale, without contributing any thing in aid of the contingencies of the faid town and parish of Saint James, thereby obtaining, very injuriously, a manifest advantage over the merchants and other fair traders fettled and established there, and paying taxes: May it please your most excellent Majesty that it may be enacted; And be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this island, and it is bereby enacted and ordained by the authority of the same, That, from Winaret be and after the first day of January next, all persons who shall arrive at the med Trusthe faid town or parish of Saint James, with goods or merchandize and how they for fale, and who are not taxed u on the parish-roils, shall be deemed are to be af-Transient Traders; and that, after the faid first day of January next aforefaid, the Justices and Vestry of the said parish may, and are hereby authorized and required to, affels and tax fuch I ranfient I raders as often as they shall arrive at the faid town, so as the sum or sums of money, at which such Transfient I raders shall be assessed, shall not exceed the sum of two pounds per centum on the amount of the invoice or invoices of fuch cargo or cargoes fo by them imported, whether they fell the same by private or public sale, or by wholefale, retail, or through the medium of a vendue-master: And in case such Transient trading person or persons shall neglect to produce his, her, or their invoice or invoices, to the faid Justices and Vestrymen when required, it shall and may be lawful for the faid Justices and Vestrymen to assess such Transfent Trader or Transfent 1 raders at the same rate, upon the best information they can obtain of the true value of faid cargo or cargoes: Provided always, That if any persons so affested shall think themselves over-rated, they shall be redressed, on taking and subscribing the following oath in open Veftry; viz.

merchandizes, flaves, or effects imported by me, in the

" from

I A. B. being duly sworn on the Holy Evangelists, do solemnly de- Form of an of pose and attest by this oath (or, being a Quaker, do solemnly out to be affirm), that the invoice or invoices now by me produced is or are the taken to obtrue, original, and genuine invoice or invoices of all the goods, wares,

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either on my own account, or as factor, agent. 1-83. " from " Supercargo, or in trust for others, or howsoever, for fale; and that " the same amounts to no more than the sum of " money of Jamaica; and that I have not, under the cover of the " name or names of any of the inhabitants of this town, or by any " other means, directly or indirectly, attempted to evade the tax to " which Transient Traders are by the laws of this island liable.

> " SO HELP ME GOD. " Sworn before me in open Vestry, this day of

Transient figning their cargoestoany inhabitant feffed on taking the fol-

Which oath or affirmation any one of the Justices present are hereby Traders, con- empowered to administer: Provided alfo, That if any Transient Trader shall, previous to entering the vessel and cargo at the Custom-House, consign his cargo for sale to any inhabitant within the said paying taxes, parish (standing affested with his parochial taxes in the parish-books,) at the usual and accustomed commission charged on the sales of such lowing oath. cargo, which cargoes of the same nature and from the same place are subject and liable to for sales and remittances, and on such Transient Trader taking and subscribing the following oath; viz.

Form of the oath.

" I A. B. do fivear, for, being a Quaker, do folemnly affirm), that I 19 " did confign, previous to the entry at the Custom-House of all the merchandize imported by me, in the ship or vessel either on my own account, or configned to me as " agent or factor, in the faid vellel, to to whom I have " agreed to give, and will allow, the usual and accustomed commissions " that are charged by the merchants of on goods configned " from the same place, without any collusion whatever, by receiving " back any part of the faid commissions, or abatement, in order to " evade the payment of the tax affessed me by the Justices and Vestry as " a Transient Trader. SO HELP ME GOD. day of " Sworn before me, this

and also that the confignee or confignees of such cargo do, in corroboration thereof, take and subscribe the following oath; viz.

Form of an oath to be taken by the configuec.

I, A. B. do swear (or, being a Quaker, do solemnly affirm), that master or supercargo of the to this port, bath duly configned the cargo on board " the faid veffel to me, and that I shall charge the fales thereof with . the usual and customary commission that is charged for sales of the and that I have not " like commodities from the faid port of " agreed to, nor will by any means whatever, either directly or indi-" rectly,

" rectly, refund or remit any part of the said commissions, either to 1788. or to any other person or persons in trust for " the faid

" him, or the real and true owner of the faid property.

" SO HELP ME GOD.

" Sworn before me, this day of

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And in case any person taking any of the said oaths, hereby ap- persons pointed, shall thereby commit wilful and corrupt perjury, and be swearing thereof convicted, he, for every offence, shall incur the pains and punishable. penalties of the law for the same; which oaths or affirmations any one of the Justices for the said parish are hereby authorised to administer; then, and in such case only, it shall and may be lawful for the Justices and Vestrymen as aforesaid to remit the whole of such Transient Tax.

II. And be it further enacted, That if any Transient Trader of Transient Traders shall refuse to pay the taxes affessed on him or them by the Traders refus Justices and Vestry, that then his or their goods or merchandize shall said taxes, be immediately levied on; and if no distress can be had, that then their goods to be levied on, the body or bodies of such Transient Trader or Traders shall be lia- &c. ble to arrest, and held to bail for the amount of the tax so affessed.

An AEt for vesting in Trustees the Toll or Tolls to be raised Passedthe noth by a Turnpike or Turnpikes on the Bridge over the Rio-Bueno River, and for mending and keeping in Repair the Road leading from the Town of Rio-Bueno, in the Parish of Trelawny, to Dry-Harbour, in the Parish of St. Ann, and for other Purposes.

THEREAS nothing can contribute more to the ease of the in- Act 48. habitants of this island, than that good and sufficient bridges Preamble. should be erected and built over the several rivers therein: And whereas Colin Campbell, of the parish of Trelawny, mason, hath undertaken and completed a Bridge over the Rio-Bueno River, which divides the parishes of St. Ann and Trelawny, by which he hath incurred very great and confiderable expences: And whereas it is confonant to justice, that those who receive the more immediate benefit from the lad improvement should contribute towards the expences of building and repairing the same: May it please your Majesty that it may be enacted; And be it therefore enacted by the authority of the Lieute-

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nant-Governor, Council, and Assembly of this your Majesty's island of famaica, and it is bereby enasted and ordained by the authority of the same, That the Honourable Alexander Fullerton, Esq. the Honourable John Tharp, Eig. John Blagrove, Bryan Edwards, James Irving, Charles Bernard junior, and George Goodin Barrett, Efquires. or any three or more of them, be, and they are hereby nominated and appointed, Trustees for keeping in repair the said Bridge, and for mending and keeping in order the road leading from the town of Rio-Bueno, in the parish of Trelawny, to Dry-Harbour, in the parish of St. Ann, and also for putting in execution all other the powers in and by this act given: And they and the survivors of them, or any three or more of them, or fuch person as any three or more of them shall authorise or appoint, shall and may, from and immedidiately after the passing of this act, erect or cause to be erected one caufe gates or or more gate or gates, turnpike or turnpikes, upon or across the said turnpikes to Bridge, or upon the said road, and there shall receive and take, by themselves or such person or persons as they or any three or more of them shall appoint to collect and receive the same, the toll or duty following, before any horse or other beast, or any coach, berlin, landau, chariot, chair, chaise, kittereen, wain, or other carriages shall pass through the same, so as the same do not amount to a double charge, or exacting for one and the same thing in one and the same day; viz. For every coach, berlin, landau, chariot, chair, or chaife, drawn by fix horses or mules, the sum of five shillings; for every of the aforesaid carriages, drawn by four horses or mules only, the sum of three shillings and four pence; for every chair, chaise, or kittereen, drawn by two horses or two mules, the sum of one shilling and eight pence; for every one drawn only by one horse or mule, the fum of ten pence; for every horse, mare, mule, or ass, loaden and not drawing as aforefaid, the fum of ten pence; for every drove of steers, oxen, or neat cattle, the sum of five pence per head; for

> every person journeying on horseback, the sum of ten pence; for tor every person riding on a mule or als, the sum of ten pence: And the hu faid respective sums of money shall be received and taken as and for intera toll or duty, and the money thereby to be raised is and shall here-no after be vested in the said Trustees, and shall be applied and disposed

> of, in the first instance, in repairing the said Bridge, and in mending at

and keeping in order the faid road, when and as often as occasion shall ally require; in the next place, in defraying all expences attending the put due collecting and receiving all and every the toll or duties aforefaid; and then in paying the furplus unto the faid Colin Campbell, his executors, administrators, and assigns, until he the said Colin Campbell, his executors, administrators, or assigns, shall be fully paid and

What tolls are to be paid;

Truftees to

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fatisfied the fum of one thousand fix hundred and fixty-fix pounds thirteen shillings and ten pence, with interest thereon from the pasfing of this act, at and after the rate of fix pounds per centum per annum: And the faid Trustees, or any three or more of them, are hereby Trustees emempowered and authorifed, by themselves or such person or persons powered to as they or any three or more of them shall appoint, to levy the faid levy the toll on persons refeveral tolls or duties upon any person or persons who shall, upon de- fuling to pay mand thereof made, neglect or refuse to pay the same, by distress of the same. any horse or horses, cattle or carriages, or the goods therein loaden. from which fuch toll is or ought to arife, or upon any other of the goods and chattels of him, her, or them who ought to pay the same. and fuch distress to impound, keep, or detain, until such toll or duty, with all costs and charges reasonably incident to the same, be paid and fatisfied, or to fell and dispose of the same in such fort, manner, and form, as diffresses for arrears of rent may be sold and disposed of

by the laws of this island. II. And be it further enacted by the authority aforefaid, That the collectors ap collector or collectors, receiver or receivers, fo to be appointed by pointed by the Trufces them the faid Trustees, or any three or more of them, shall and may authorised to demand, take, and receive the faid toll or duty, and have all fuch reme- receive the toll, and to dies for the same as are herein before mentioned and expressed; and be accountathat the faid collector or collectors, receiver or receivers, be, and they fame to the are hereby made, liable and accountable to the faid Truftees, or any Truftees. three or more of them, for all and every fuch fum and fums as they shall respectively receive, over and above such hire, wages, or salary as the faid Trustees, or any three or more of them, shall approve of

and allow to them, or either of them respectively.

III. And be it enacted by the authority aforesaid, That this act, and Continuance and every clause, matter, article, or thing whatsoever in this act contained, shall be and continue in full force, until the said Trustees for shall have paid and satisfied unto the said Colin Campbell, his execu-tors, administrators, or assigns, the said sum of one thousand six dethe hundred and sixty-six pounds thirteen shillings and ten pence, with nd for interest thereon at and after the rate and from the time aforesaid, and

here-no longer.

[poied IV. And be it further enacted by the authority aforesaid, That this This act to be ending at shall be deemed and taken to be a public act, and shall be judici-deemed a public act. hall ally taken notice of as such by all Judges, Justices, and others, with-

g the put specially pleading the same.

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of December.

An All to repeal Part of an Alt, passed in the Year of Our Lord one thousand seven hundred and twenty-three, entitled. " An Act for dividing the Parish of Westmoreland into two distinct Parishes, for the Ease of the Inhabitants," and also the first Clause of one other Act, passed in the Year of Our Lord one thousand seven hundred and thirty-three, entitled, " An Act for running, cutting, and clearing the Dividing-Lines, and cutting of Roads in and between the Parishes of Westmoreland and Hanover, and for repairing a Bridge over Cabaritta-River, in the faid Parish of Westmoreland:" and for afcertaining and fixing the proper Diviaing-Line between the Parishes of Westmoreland and Hanover.

ACT 49. Preamble.

Ad too, vol. I.

THEREAS an act of the Governor, Council, and Affembly of this island, passed in the year of Our Lord one thousand Ad 76, vol. I. feven hundred and twenty-three, entitled, " An Act for dividing the Parish of Westmoreland into two aistinct Parishes, for the Ease of the Inhabitants," and the first clause of one other act, passed in the year of Our Lord one thousand seven hundred and thirty-three, entitled " An Act for running, cutting, and clearing the Dividing-Lines, an cutting of Roads in and between the Parishes of Westmoreland an Hanover, and for repairing a Bridge over Cabaritta-River, in the fa Parish of Westmoreland," have not fully answered the several purpos for which they were originally intended, disputes having of late at fen between the inhabitants of both the faid parishes, touching an concerning the dividing-line or boundaries between the faid parishes the inhabitants of the parish of Westmoreland having of late claims many estates and settlements to be within the limits of the said paris and to be subject and liable to be taxed within the same, which estates and settlements have, for upwards of fixty years past, bee fair considered, deemed, and taken as part of the parish of Hanove and as such have been from time to time affested by the differ sha ent Vestries of the said parish of Hanover: And whereas it highly necessary, and will greatly tend to the ease and security of the inhabitants of both the faid parishes, and prevent future litigation that the dividing-lines or boundaries between them should be fix

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and ascertained, so that hereafter no disputes may arise between the inhabitants of the faid two parishes concerning the dividing-lines or boundaries thereof: Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica; And it is bereby enacted and ordained by the authority of the same, That Part of the fo much and fuch part of the faid act, paffed in the year of Our above actore-Lord one thousand seven hundred and twenty-three, as respects and pealed. directs the dividing-line between the faid parishes to be carried in manner therein mentioned, and also the first clause of the said recited act, passed in the year of Our Lord one thousand seven hundred and thirty-three, and every matter and thing therein contained, shall be and fland repealed, annulled, and made void, to all intents and pur-

poses whatsoever.

II. And be it further enacted by the authority aforesaid, That the Boundaries of line described in the plan or diagram hereunto annexed, beginning at the parishes of Westmorethe letter A and continued to the letter B; and from thence to the land and Haletter C, in the said plan or diagram mentioned and laid down, and nover ascerto continue eastwardly until it intersects the Great-River, so as to include the several plantations or sugar-works called Rock-Spring, Newfound-River, Campbelton-Cave Valley, Endeavour, Fish-River, Salem, and Orange-Bay, and the several settlements of Hystop's, M'Courtie's, Innes's, Patterson's, Hudson's, and Knock-Alva, all which plantations and fettlements, from the time they were respectively first settled, have continually been considered, deemed, and taken as part of the parish of Hanover, and have accordingly been affessed by the different Vestries from time to time holden within the faid parish of Hanover; and which line, to be continued from the faid letter C until it intersects the Great-River aforesaid, shall be so run and laid out as to include all other settlements that have hitherto been considered, deemed, and taken to be within the limits of the faid parish of Hanover, and as have been from time to time affessed by the Vestries thereof.

III. And be it further enacted, That the Justices and Vestry of the Surveyors to said parishes of Westmoreland and Hanover shall, within fixty days af- be appointed ter the passing of this act, appoint each one sworn Surveyor for the bythe Justices running out, ascertaining, and fixing the said line, in manner afore- each parish, to faid herein before directed to be run out, ascertained, and fixed, ac-ing-line. cording to the intent and meaning of this act: And such Surveyor shall, within thirty days from and after they shall respectively be appointed as aforesaid, proceed to the running out, fixing, ascertaining, ty of the and compleating the faid line; and in case either of the said two tigation Surveyors, so to be appointed as aforesaid, shall neglect or refuse to be fix Proceed to the running out, compleating, and finishing the said line,

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make out a diagram of

faid line to

be recorded in the Scere-

in manner berein before directed to be run and ascertained as aforefaid, within the faid thirty days after such appointment as aforesaid, each or either of the faid two Surveyors, fo to be appointed as aforefaid, neglecting or refuling to proceed to the running out, compleating, and finishing the said line within the time aforesaid, shall, for fuch neglect or refusal, forfeit the sum of One Hundred Pounds current money; and which line, when run out and ascertained, shall be marked by the faid Surveyors, or one of them, with diffinguishing marks, and shall for ever hereafter be deemed and taken as the boundary or dividing-line between the faid two parishes; any law, custom, or usage to the contrary in anywise notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the Surveyors to Surveyors so to be appointed as aforesaid, or one of them, shall, under the penalty of One Hundred Pounds, within fixty days after the faid line shall be run out, ascertained, and compleated, according to tary's Office. the directions herein before contained, make out a plan, diagram, or return of the said line, to the Justices and Vestry of the said parishes of Westmoreland and Hanover, who shall cause the same to

be recorded in the Secretary's Office of this island.

Surveyors to be paid by the Justices

V. And be it enacted, That the faid Surveyors, so to be appointed as aforesaid, shall be paid, by the Justices and Vestry of the said two respective parishes, such sum and sums of money, for the work and and Veftry of both parishes. labour to be by them done in the running out and ascertaining the faid line, in manner aforesaid directed to be run and ascertained, and in preparing a diagram or return thereof, pursuant to this act, as the faid Justices and Vestry shall previously contract and agree with such Surveyors for the doing thereof.

> VI. And be it further enacted by the authority aforesaid, That the faid Justices and Vestry, having received the return of the said Surveyors as aforesaid, shall cause two copies thereof to be fairly made out, and shall cause one of the said copies to be forthwith recorded by the Clerk of the Peace of each of the faid parishes: And all coll and expences to attend the carrying into execution this act, shall be equally borne and defrayed by the faid parishes respectively.

> VII. And be it enacted by the authority aforesaid, That in case the Justices and Vestries of either of the said two parishes of Westmore land and Hanover shall refuse, neglect, or decline to meet and proceed to the choice and appointment of fuch two Surveyors as afore faid, within the time limited for that purpose by this act, or shall refuse, neglect, or decline to comply with any of the duties require of them by this act, every Justice and Vestryman so neglecting or re fuling shall, for every such offence, forfeit the sum of Twent Pounds current money.

Juftices and Veftry to cause the return of the Surveyors to be recorded by the Clerk of the Peace in each parish.

Penalty on Justices and Veftrymen neglecting or refuling to appoint Surycyors.

VIII. An

VIII. And be it further enacted by the authority aforesaid, That all forfeitures in this act contained shall be recovered by action of debt, bill, plaint, or information, in any court of record in this island, Forfeitures wherein no effoin, protection, or wager of law shall be allowed, or red, how to Non vult ulterius prosegui be entered; any law, custom, or usage to be recovered the contrary notwithstanding; one moiety whereof shall be to the use of the person or persons who shall sue for the same, and the other to the use of the poor of the parish where such Justice and Vestryman offending against this act shall live or reside.

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An AEt to explain and amend an AEt, entitled, " An AEt Paffedthesoth to regulate Wharfage and Storeage," so far as the faid Act relates to the Parishes of Trelawny and Saint fames.

HEREAS the rates of Wharfage and Storeage, as fettled by Acr 50. an act of the Lieutenant-Governor. Council and Affembly an act of the Lieutenant-Governor, Council, and Assembly Preamble, of this island, passed in the year of Our Lord one thousand seven hundred and eighty-four, entitled, " An Act to regulate Wharfage and Storeage," have (so far as the same relates to the towns and parishes of Trelawny and St. James) been found inadequate to the expences of carrying on the wharfage-business in the said parishes, and keeping wharves and stores in proper repair for that purpose: And whereas the planters, merchants, and factors, in the faid towns and neighbourhood thereof, are so well convinced thereof, that the greatest number of them allow their wharfingers to make higher charges than are allowed to be made by the faid act; but as others do not, and executors, administrators, and trustees cannot allow the same, many disputes, detrimental to trade in general, have arisen between the wharfingers and the importers, shippers or receivers of goods, as also between the planters, factors, and merchants shipping the staple commodities or produce of this island: For remedy whereof, We, your Majesty's most dutiful and loyal subjects the Assembly of Jamaica, most humbly beseech your Majesty that it may be enacted; And be it enacted by the Lieutenant-Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That, from and after the passing of this Rates of act, the rates of Wharfage and Storeage, in the town of Montego-Wharfage at Bay, in the parish of St. James, and Martha-Brae-Point, in the pa- and Martharish of Trelawny, for the several articles herein after-mentioned Brae Point. shall be as follow; viz. For landing and piling every one thousand

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feet of lumber, including staves and heading, ten shillings; for shipping ditto, five shillings; for landing every one thousand of cypreis shingles, loose, five shillings; ditto, picked, two shillings and fix pence; for shipping every one thousand of cypress shingles, loose, two shillings and fix pence; for shipping ditto, packed, one shilling and three pence; for landing every one thousand of common shingles, loofe, three thillings and nine pence; ditto, packed, one shilling and ten pence halfpenny; for landing every tierce of rice, corn, or other grain, one shilling and three pence; for shipping ditto, seven pence halfpenny; for landing every one thousand bricks and tiles, and piling the same, seven shillings and fix pence; for landing, weighing, counting, and storeing every ton of Nicaragua wood, ten shillings; for shipping ditto, five shillings; for landing every hogshead of falt-fish, coals, or lime, two shillings and fix pence; for every tierce of bottled liquor, two shillings and fix pence; for landing every barrel of beef, pork, or flour, seven pence halfpenny; for landing, stowing, and gauging, every pipe of wine, five shillings; any thing in the faid recited act contained to the contrary thereof in anywise notwithstanding; and for all other articles whatsoever, the rates of Wharfage in the faid towns shall be as expressed in the schedule annexed to the faid recited act.

Additional tain articles not taken away within three months after being landed.

II. And be it further enacted by the authority aforesaid, That all charge on cer- packages of dry goods, provisions, bottled and cask liquors (rum excepted), landed on any wharf in the faid towns of Montego-Bay and Martha-Brae-Point, and not taken away by the owner, or the person or persons to whom the same shall be landed, in the space of three months after such landing as aforesaid, the wharfinger shall be entitled to ask, demand, and receive, for all such goods so stored and laying over, double the Wharfage; and, for every month thereafter, at the rate of one half Wharfage, so long as the said goods shall remain upon the wharf, so stored and housed.

Additional tain other articles not taken away within the like period.

III. And be it further enacted by the authority aforesaid, That for charge on cer- all lumber, logwood, fustick, and other dying woods, ebony, mahogany, and hard timbers, coals, bricks, and tiles, landed on any wharf in the faid towns of Montego-Bay and Martha-Brae-Point, and not taken away by the owner, or the person or persons to whom the same shall be landed, in the space of three months after such landing as aforesaid, the wharfinger shall be entitled to ask, demand, and receive, one fourth part of the faid Wharfage, and for every month thereafter at the like rate, so long as the same shall remain on such wharf.

IV. And be it further enacted by the authority aforefaid, That each to affix and and every wharfinger or wharfingers in the faid towns of Montegokeep in view. Bay and Martha-Brae-Point thall be, and he and they is and are hereby obliged, p-

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obliged, within three months after the passing of this act, to affix and constantly keep up in view, in some public place, under cover from the weather, at or near the weigh-house, or place of weighing goods, bed by this on his or their wharf or wharves, an exact lift of the rates of Wharf- act, under a age and Storeage as appointed by this act, properly digested in an alphabetical manner, under the penalty of Forty Shillings for each and every day's neglect and delay in affixing and keeping up the same.

V. And be it further enacted by the authority aforefaid, That if Penalty on any wharfinger or wharfingers, or any person or persons acting for wharfingers or under him or them, shall presume to ask, demand, and receive or more than the take, any greater or larger prices or rates than those herein before- established mentioned, for shipping, receiving, storeing, skidding, weighing, gauging, and properly fecuring, the goods, wares, and merchandizes delivered at his or their wharf or wharves, shall, for every such offence, forfeit the sum of One Hundred Pounds.

VI. And be it further enocited by the authority aforefuld, That the Penalties and feveral penalties and forfeitures in this act mentioned shall, if not forfeitures, how to be reexceeding ten pounds, be recovered in a furnmary manner, before cavered, any one of his Majesty's Justices of the Peace in the parish or precinct where the offence shall be committed; which faid Justice is hereby empowered, authorised, and required to commit such offender or offenders to gaol, there to remain without bail or mainprize, until he or they shall have paid the fame; and all penalties and forfeitures, exceeding ten pounds, shall be recovered in the Supreme Court of Judicature, or in the Court of Affize for the county of Cornwall, by action of debt, bill, plaint, or information, wherein no effoin, protection, or wager of law shall be allowed, or Non vult ulterius projequi entered; any thing herein contained to the contrary in any wife notwithstanding.

VII. And be it further enacted by the authority aforefaid, That all and applied. penalties and forfeitures in this act mentioned, shall be to the informer, or him, her, or them who shall fue for the same.

An Act to restrain the Inhabitants of the Parish of Saint Passedt each James, in the County of Cornwall, in this Island, from working any Carriages of Burthen, but with broad Wheels, on the Roads in the faid Parish.

THEREAS the highways are often rendered very dangerous, ACT 51. and sometimes impassable, through all the roads leading to Preamble,

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and from the different estates in the parish of Saint James, occasioned chiefly by the working of heavy carriages with narrow wheels, upon the highways: We, your Majesty's dutiful and loyal subjects the Assembly of this your Majesty's island of Jamaica, most humbly befeech your Majesty that it may be enacted; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of this island, and it is bereby enacted and ordained by the authority of the some, That, from and after the first day of March, which will be in the year of

From March I, 1790, no wain, &c. for the carriage of goods, allowed to but with wheels at leaft fix inches broad in the fellies; except, &c.

Wains, &c. wheels of a and, on due proof, condemned to be fold.

Monies arifing from fuch fales, how to be applied.

and empowered to administer.

Our Lord one thousand seven hundred and ninety, no wain, cart, waggon, or other carriage for carrying of fugar, rum, or any other goods (a mule-cart only excepted), shall be allowed to work, pass, or rework or pass, pass, in or upon any of the highways of the said parish, except to the eastward of Montego-Bay to the line of Trelawny, along the fea-shore, and all those estates in that district, within four miles of the fea-fide, unless the wheels of fuch wain, cart, waggon, or other carriage, shall be at least fix inches broad in the fellies of the said wheels, with a reasonable allowance for wear: And in case any such wain, cart, working with waggon, or other carriage, shall, after the time abovementioned, be leffer breadth found working, passing, or repassing on the said highways, with may be seized, wheels of a lesser breadth in the fellies than what is hereby prescribed as aforesaid, it shall and may be lawful to and for any person or persons whatsoever, and they are hereby authorised and empowered, to cause the same to be stopped, seized, taken, and detained; and, upon proof made on oath of such offence, before any of the Justices of the Peace of the said parish, such Justice shall condemn the said wain, cart, waggon, or other carriage, to be fold; and the monies arifing therefrom shall be paid to the Churchwarden or Churchwardens of the said parish, to be laid out in the repairs of the highways of the said parish; which said oath such Justice is hereby authorised

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